ORATION OF DESEZE,

IN

DEFENCE

OF

LEWIS THE SIXTEENTH.

MUSEUM

THE

ORATION OF DESEZE,

IN

DEFENCE

OF

LEWIS THE SIXTEENTH,

KING OF FRANCE;

PRONOUNCED AT THE BAR OF THE

NATIONAL CONVENTION,

On Wedneſday, the 26th of December, 1792,

IN THE

FIRST YEAR OF THE REPUBLIC.

TO WHICH IS ADDED

THE WILL OF THE KING,

IN FRENCH AND ENGLISH.

TRANSLATED FROM THE FRENCH ORIGINAL, PRINTED AND PUBLISHED BY ORDER OF THE CONVENTION.

I plead for the life and fortunes of A KING——A King too, whom, in conjunction with all THE SENATE, I uſed to celebrate for his *inviolable* attachment to the Conſtitution.—I am ſhocked by the inhumanity of *one accuſer*, and the worthleſſneſs of the others.

CIC. PRO DEIOTARUS.

LONDON:

PRINTED FOR C. DILLY, IN THE POULTRY; AND J. DEBRETT, PICCADILLY.

1793.

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OBSERVATION

BY

THE PUBLISHER.

IF the following pages ſhould afford a moral certainty, that THE NATIONAL CONVENTION, not only exhibited, but printed and publiſhed articles of impeachment againſt LEWIS THE SIXTEENTH; that theſe articles were notified to LEWIS; that this very Convention aſſigned to him the COUNSEL who produced the preſent Defence, in which the innocence of LEWIS is ſo clearly demonſtrated; and that the members decently preſerved the moſt profound ſilence while it was read: if it ſhould alſo appear certain, that this defence has not only been printed and publiſhed, but communicated to the *Eighty-three Departments*, by a decree of THE CONVENTION; and that, between the period of paſſing this decree, and the condemnation of LEWIS (which the members pronounced as JUDGES, after *they* had impeached him as ACCUSERS) ſufficient time was allowed to weigh the whole of the tranſaction, and to paſs an impartial judgment upon it;—and if, notwithſtanding all theſe circumſtances, the Convention has decreed that LEWIS ſhould ſuffer—Pauſe, READER, and aſk, whether the Convention could have had any other object than to convince, not only FRANCE, but all EUROPE, that the three following concluſions are juſt.

FIRST,

FIRST, That the only crime LEWIS was guilty of, was that of being—Lawful Sovereign!

SECONDLY, That this crime was conſidered of a magnitude ſo unpardonable, that neither a union of all the civil, moral, and religious virtues, nor an uninterrupted courſe of actions, guided by the principles which theſe virtues had impreſſed on his character, could afford the leaſt expiation!

THIRDLY, That it is not aſtoniſhing this ſtrange Convention ſhould, not only brave the ſurrounding powers, but adopt all the wild atrocities, which the *great philoſophers*, who are at the head of it, are capable of conceiving, or the *ſatellites* who ſurround it are capable of carrying into execution!

BRITISH MUSEUM

OBSER-

OBSERVATION

BY

THE LOYAL ADVOCATE

WHO COMPOSED

THE FOLLOWING DEFENCE.

FORCED to compoſe A DEFENCE upon this important ſubject in the courſe of *four nights*, after employing the days with my colleagues in examining the innumerable quantity of papers with which we were furniſhed, I think it unneceſſary to remark, that it ſavours of the extreme precipitation with which it was digeſted, and conſiſts, in a great meaſure, of *deductions* only. I had a great and ſacred duty to fulfil, and in undertaking to diſcharge it, rather conſulted the zeal of my heart, than the powers of my mind.

BRITISH
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THE DEFENCE

OF

LEWIS THE SIXTEENTH,

KING OF FRANCE.

Citizens; Repreſentatives of the Nation,

THE period is at length arrived when LEWIS, impeached in the name of the commonwealth of France, is allowed the privilege of being heard before the very people by whom he is accuſed; when attended by thoſe ADVOCATES whom HUMANITY and THE LAW have aſſigned to aſſiſt him, he is permitted to offer at the ſhrine of the nation A DEFENCE, dictated by the conſcious integrity of his heart; and ſuffered to avow before a tribunal of the public, the real principles by which his actions have been invariably governed.

The mute attention which already prevails around me, proclaims that an hour of juſtice has ſucceeded to times of intemperance and prepoſſeſſion; and aſſures me that this ſolemn ſcene is not inſtituted as a vain and deceitful ceremony; but that the temple of *liberty* is alſo the abode of that *impartiality* which the juſt adminiſtration of THE LAW requires; and that THE MAN, whatever his condition may be, who is reduced to the abject and humiliating ſituation of a perſon *accuſed*, will not only engage the favourable attention of his *judges*, but will excite a generous concern for his ſafety, even in the minds of his *accuſers*.

I ſay the man, whatever his condition may be, becauſe LEWIS can now be conſidered only in the character of A MAN; of a man—*accused!* The enchantments which accompanied his former greatneſs have vaniſhed; the rod of power is taken from his hands; his influence has ceaſed; and he is equally incapable of exciting either hopes or fears. A condition ſo degraded calls loudly on you, CITIZENS, to afford him not only the faireſt juſtice, but, I will boldly ſay, the fulleſt favours. He has a right to invoke, in aid of his innocence, all thoſe ſenſibilities with which his great and endleſs miſeries muſt naturally affect the heart, and, if TRUTH warrants the obſervation of a celebrated Republican, that the misfortunes of KINGS touch the boſoms of thoſe who have lived under monarchical government, with ſympathies more exquiſite and aweful than the misfortunes of common men, the fate of A MONARCH who once filled the brighteſt throne in Chriſtendom, muſt awaken in your boſoms, anxieties, ſtill more powerful: anxieties which cannot fail to increaſe progreſſively, as the day approaches on which you venture finally to pronounce his doom.

Hitherto you have only received his anſwers to queſtions propounded by yourſelves. You have now called him into your preſence. He obeys your ſummons. He appears before you with calmneſs, with courage, with dignity; fortified by the rectitude of his intentions, and deriving a conſolation from the ſentiments of conſcious innocence that fill his breaſt; a conſolation which no human power can weaken or deſtroy. Relying, with almoſt implicit confidence, on the integrity of his life, he appears before you ready to diſcloſe the inmoſt receſſes of his ſoul; eager to reveal to you not only all the actions of his reign, but every thought that has occupied his mind, and every feeling that has diſturbed

turbed his heart? He is anxious that you ſhould learn his real character, and fondly hopes that you will teach it to his people. But in affording this prompt obedience to your call; in diſcuſſing, thus unprepared and without reſearch, charges which it was impoſſible to anticipate; in thus *intuitively* forming, if I may be allowed the expreſſion, a juſtification, the neceſſity of which no imagination could conceive, it will not be expected that LEWIS ſhould perſonally do more than aſſert his innocence. He cannot unfold the demonſtrations, or arrange the evidence neceſſary to prove the truth of the aſſertion. But I, CITIZENS, will undertake the taſk. I am in poſſeſſion of the evidence; and I bring it before the very people in whoſe name he is accuſed.—Oh! that my voice, at this moment, could be reſounded through the remoteſt parts of FRANCE, or that the walls of this edifice could ſuddenly enlarge their circumference, and incloſe the whole people! I am conſcious that in ſpeaking to the repreſentatives of the nation I virtually addreſs myſelf to the community at large; but I truſt, that on the part of the unhappy LEWIS I may be permitted to lament, that the immenſe multitude upon whoſe minds the charges raiſed againſt him have been ſo induſtriouſly impreſſed, cannot now be preſent to hear, the anſwers by which they will be immediately refuted. To LEWIS, however, the more important care is the eſtabliſhment of his innocence; this is now the only object of his thoughts; the ſole point in which all his wiſhes center. He is not ignorant that the eyes of all EUROPE are watching your deciſion with anxiety and ſolicitude; but the mind of LEWIS is directed intirely to FRANCE. He is ſatisfied that poſterity will minutely examine every part of ſo extraordinary a diſcuſſion, in which a great nation is arranged on the one ſide, and an individual on the other; but LEWIS, regardleſs of the juſtice

poſterity will afford, aſpires only to obtain the approbation of his contemporaries, by removing the miſts of deluſion from their minds. The advocates of LEWIS therefore, adopting his ſentiments, wiſh only to defend him from the charges of his accuſers, and to juſtify his conduct in the eyes of his people. We diſregard, like him, the attentive anxiety of Europe; we baniſh from our minds the probable opinion of poſterity; we rivet our attention to the preſent moment alone; we employ our thoughts only on *the fate* of LEWIS; and ſhall think our duty performed, by demonſtrating that he is innocent.

I muſt not, however, diſſemble, CITIZENS, a ſource of deep regret. Time has preſſed ſeverely on us all, but moſt upon myſelf, in preparing this defence. We have ſcarcely been able to glance at the vaſt quantity of materials with which we are furniſhed; and the moments which were allowed to us for a diſcuſſion of this importance, unavoidably elapſed in arranging the papers which the commiſſion preſented to our view. The frequent neceſſity of perſonal communication with *the accused* alſo exhauſted much of that time which was appropriated to the digeſting of thoſe ſubjects. And in a cauſe, which from its importance, its ſolemnity, its magnificence, and, if I may ſo expreſs myſelf, its *reverberation* through the world, required many months of deep and powerful meditation, I have only been allowed the ſhort ſpace of —*eight days*. I implore you, therefore, O CITIZENS, to liſten to me with that indulgence, which our reſpect to your order and our anxiety to obey your decree, gives us a right to claim! Let not the intereſts of LEWIS ſuffer by the conſtrained omiſſion of his defenders. Let the candour of his judges aſſiſt the zeal of his advocates. Let the world, adopting the forcible expreſſion of the Roman

man orator* acknowledge that you, his ACCUSERS, have in ſome meaſure co-operated with me in giving full effect to the juſtification of THE MAN you have accuſed.

The arguments and obſervations through which I have to travel are unavoidably of great extent, but I ſhall endeavour to ſhorten their ſcope by dividing the ſubject into three parts.

If JUDGES were the only perſons, who, upon this occaſion, it was neceſſary for me to addreſs, I ſhould only remind you of certain PRINCIPLES; and content myſelf by exhibiting the pregnant concluſion, that as royalty is aboliſhed, LEWIS cannot be guilty. But I addreſs myſelf not only to his JUDGES, but to THE PEOPLE; and the heart of Lewis is too deeply intereſted in diſpelling the prejudices with which they have been inſpired, to neglect the taſk of diſcuſſing, even topics not immediately connected with his defence, but which may collaterally tend to clear him from all the offences with which he is charged.

I ſhall, therefore, firſt eſtabliſh the *principles* I alluded to, and then proceed to diſcuſs under two heads, the ſeveral charges as they are exhibited againſt him in the articles of impeachment.

* The loyal advocate perhaps alludes to the words of CICERO, in his celebrated oration for the poet ARCHIAS, where he implores the judges to take the accuſed under their protection. "*Ut humanitate veſtrâ levatus potius, quàm acerbitate violatus eſſe videatur.*"—"That he may ſeem to be rather relieved by your humanity, than oppreſſed by your rigour." TRANSLATOR.

PART THE FIRST.

PRINCIPLES

RESULTING

FROM THE INVIOLABILITY

ESTABLISHED BY

THE CONSTITUTION.

THE principles which I ſhall now eſtabliſh may be conſidered in two points of view.

FIRST, as they relate to the ſituation in which LEWIS was placed previous to the abolition of MONARCHY.

SECONDLY, as they relate to the ſituation of LEWIS ſubſequent to that abolition.

On entering into this diſcuſſion, *the decree* by which the National Convention directed the trial of LEWIS, immediately preſents itſelf to my mind; and ſuggeſts the abuſes to which a certain deſcription of men, more guided by intemperate zeal than by rational reflection, would pervert its meaning.

I know they have imagined that the Convention, by merely pronouncing this decree, virtually deprived LEWIS of the *inviolability* with which he was poſitively inveſted by THE CONSTITUTION.

I know they have declared that LEWIS cannot inſiſt on his *inviolability* as a ground of defence. But this poſition is ſo flimſey and fallacious, that by a ſingle obſervation it will be immediately removed.

moved. What is, in fact, the decree which the Convention has pronounced?

The members of the Convention, by decreeing that LEWIS ſhould be tried before them, have only conſtituted themſelves judges of the accuſations which they have preferred againſt him; but by the ſame act that they created themſelves judges to try an impeachment framed by themſelves, they alſo decreed that LEWIS ſhould be heard in his defence; for they felt the impoſſibility of paſſing judgment upon a man, unheard.

If, therefore, LEWIS be intitled to be heard before any judgment can be pronounced, he has, by neceſſary conſequence, a right to defend himſelf by every means that to him ſhall appear beſt calculated to repel the charges of his accuſers. This is not a privilege derived to him from the peculiarity of his ſituation, but a right which attaches itſelf in common to every perſon who is accuſed, and belongs to them in that character alone. JUDGES cannot poſſeſs a power to prevent the perſon accuſed from uſing any particular mode of defence; they can only eſtimate its relevancy by exerciſing an unbiaſſed judgment upon the whole of it when produced.

The National Convention therefore cannot, upon the preſent occaſion, exerciſe any power over LEWIS with reſpect to the mode of his defence: the members may judge of its importance when produced, but they are bound to receive it intire and unmutilated; for they cannot determine on its merits by anticipation, or weaken its effect by partial excluſion. If LEWIS ſhould advance principles that are untenable, they may reject them when they form their opinions on his guilt or innocence; but until that period arrives, they muſt of neceſſity liſten to all the evidence he ſhall think it expedient

to

to adduce.—This is a precept of JUSTICE and the rule of LAW.

THE PRINCIPLES which I lay down, and confidently rely upon are these:

1. The ſovereignty of a nation reſides with the people.

2. The people have a right to chuſe whatever form of government they pleaſe.

3. They may, when they ſhall experience the defects of one form of government, relieve themſelves from its oppreſſion, and chuſe another.

This ſovereign right of nations I mean not to deny; it is impreſcriptible; it is engraven upon the records of our Conſtitution. And perhaps it is not effaced from the recollection of the Convention, that it was to the efforts of one of the preſent advocates of LEWIS, then a member of the conſtituent aſſembly, that this fundamental maxim now appears inſcribed among the laws of FRANCE.

But as this ſovereign power cannot be exerciſed by the people themſelves, it muſt neceſſarily be delegated to certain component parts of the nation.

The neceſſity of this delegation impoſes an obligation upon the people either of electing a KING or of forming a REPUBLIC.

In the year 1789, the firſt epoch of the revolution of France, when the form of government under which we had lived ſo many ages, was ſuddenly changed, the voices of THE PEOPLE declared to their repreſentatives that they had choſen, and was reſolved to have a monarchical form of government.

The eſtabliſhment of a monarchical government neceſſarily includes the *inviolability* of the monarch.

The National Aſſembly, in purſuance of the wiſhes of the people, was of opinion that, in a country where the ſole power of carrying the laws into

into execution was placed in the hands of THE KING, it was neceſſary to remove every impediment to the exerciſe of his authority, or to enable him, by the concurring force of public opinion, to ſurmount it; that he ſhould be enabled to excite a reſpect for thoſe laws to which the conſtitution required ſo implicit an obedience, by reſtraining inferior magiſtrates within the bounds of their reſpective juriſdictions, and preventing them from abuſing or evading their public duties; by ſuppreſſing thoſe intemperate ſpirits and turbulent diſpoſitions which frequently break forth and endanger the harmony and order of the Conſtitution; by watching with unremitted anxiety over the general welfare of the ſtate; and, in ſhort, by conſtantly holding the reins of government with ſo tight and ſteady a hand, as to prevent any part of the political ſyſtem from being relaxed or deſtroyed.

To accompliſh theſe ends, it was neceſſary to inveſt the monarch with powers equal to the important duties he was appointed to ſuſtain; and, to ſecure the free exerciſe of this power, THE ASSEMBLY thought it neceſſary to declare it---*inviolable*.

The aſſembled repreſentatives well knew that it was not in compliment to KINGS that nations had introduced the doctrine of *inviolability*, but for the general benefit of mankind; to preſerve the tranquillity of ſociety; and to promote the harmony and good order of the public; conſcious that the tranquillity of monarchical eſtabliſhments is continually in danger of being broken or diſturbed, unleſs the chief magiſtrate vigilantly oppoſes the inflexible rigour of THE LAWS to thoſe turbulent and ſeditious diſpoſitions, which, at all riſques, are continually riſing to deſtroy or evade them. They adopted as *a principle*, equally found both in morals

and politics, the fundamental MAXIM of a neighbouring nation, that "*Kings can do no wrong*;" that, conſidering the dangers of their ſtation, and the deceits to which they are expoſed, the faults which they may commit, ought always to be imputed to the advice of others; and that it is much more important to the people, to whom all the advantages of inviolability deſcends, to relieve monarchs from every ſpecies of perſonal *responsibility*, and rather to ſuppoſe them to have been *deluded*, than expoſe them to attacks which can only lead to the moſt convulſive conſequences.

Upon the baſis of theſe principles, the National Aſſembly fixed the Conſtitution, which the people of France had freely choſen, and commanded their repreſentatives to erect.

To the Conſtitution therefore I direct my attention; and in opening THE CODE, I diſcover in the firſt chapter "ON ROYALTY," that the monarchy is indiviſible; that it is rendered hereditary in the reigning family; and ſettled to deſcend in ſucceſſion from male to male.

The title therefore by which LEWIS poſſeſſed THE THRONE was delegated to him by the people. The nature however of this delegation has been diſputed: it has been aſked, whether it amounts to *a contract*, and, upon a ſuppoſition that it does, whether that *contract* is in its eſſence indiſſoluble.

This is a diſpute merely about words. The delegation was certainly not a contract of that ſpecies which cannot be diſſolved without the mutual conſent of the contracting parties. It is clear that it was merely *a mandate*; an *attribution* only of the exerciſe of that ſovereignty of which the nation had reſerved to herſelf *the right*, and which ſhe could not alienate; and of courſe an *attribution*, which, in its eſſence, is, like other mandates, revocable. But as, while it continues unrevoked, it obliges

the *mandator* to perform all the conditions under which it was received, and the *mandatary* to perform all the conditions under which it was given, ſo far, and in this conſtruction, it was certainly—*a contract.*

But I ſhall abandon this vain and idle diſpute which has *words* only for its object, and contend that the Conſtitutional Code, in binding LEWIS faithfully to exerciſe the important functions with which the people had inveſted him, cannot bind him to the performance of any other conditions, or impoſe upon him any other puniſhments than thoſe which are expreſsly named in the Code.

Let us then examine the conditions and penalties which this code contains.

I paſs therefore to the ſecond article, in which it is declared "That the *perſon of the King is ſacred and inviolable.*" The king's inviolability is here I obſerve, expreſſed in poſitive and abſolute terms; it is not clogged with any condition; it is not modified by any exception; it is not weakened by any obſcurity in the language; the ſentence is intire; and it is in two words, "*ſacred* and *inviolable.*"

The repreſentatives of the nation in forming the Code of the Conſtitution, have, in their wiſdom and foreſight, made certain hypothetical proviſions, which, without altering the inviolability of the King, inaſmuch as they relate to him as King while he continues in poſſeſſion of that character, proceed upon a ſuppoſition of circumſtances, under which he might poſſibly loſe it.

The firſt of theſe hypothetical proviſions appears in the fifth article of the Conſtitutional Code, and is in theſe words: "If the King ſhall not, within "one month after, he is thereto required by the "Legiſlative Aſſembly of France, take THE OATH "(to be faithful to the nation; to enforce the laws; "and to maintain the Conſtitution) or if, after

" taking THE OATH aforeſaid, he ſhall retract, *he* " *ſhall be deemed to have abdicated* THE THRONE."

By this article, the Conſtitution of France impoſes an obligation on the King to take THE OATH OF FIDELITY, and to adhere to the terms of it when taken. The King, by a renunciation of this oath would certainly be guilty of a crime againſt the laws and conſtitution of his country; and the framers of the Conſtitution foreſaw the poſſibility of its being committed: but what is the puniſhment which the nation has denounced againſt it?—" That the King ſhall be *deemed* to have abdicated " the throne."

I expreſſed myſelf incorrectly in uſing the word " *puniſhment*," for in fact the law does not, upon this occaſion, and in the legal interpretation of the word, inflict *a puniſhment*; there is no *penalty* annexed to this ſuppoſed crime; no *forfeiture* follows the commiſſion of it. This is not the only inſtance in which the word " *deemed*" is made uſe of in the laws; and its ſignification is dependant upon the hypotheſis that is raiſed, namely, that if the ſuppoſed event takes place, THE KING ſhall be *preſumed* to have abdicated the throne.

In conſtruing a law like the preſent, CITIZENS, the legal operation of words is of the greateſt importance.

It is evident that the framers of the Conſtitutional Code, to preſerve reſpect for the character of the KING have ſtudiouſly avoided, even any mode of expreſſion that might ſeem to wound his dignity; and with this view have cautiouſly adopted the words in which this proviſional article is couched, rather than the many others which the language would have afforded them. You muſt have obſerved that the Code does not erect any *tribunal*; that it has not directed any *ſentence* to be pronounced; that it does not even make uſe of the term

term *forfeiture*. The Conſtitution, anxious for its own preſervation, has, on the conjectured poſſibility of an event in which there might be occaſion to complain of the neglect or inſincerity even of the king, declared, that whenever that event happens, it ſhall be *preſumed* that the king conſents to the revocation of that authority which the people have truſted him with, and that they are at liberty to reſume the delegated ſovereignty.

The revocation of the executive power, which under theſe circumſtances is thus preſumed, muſt be declared; but although the conſtitutional code is ſilent as to the mode in which this declaration ought to be made, I readily admit, that the right of making it belongs to the people. This declaration, however, can never be more than a fiction realized, and, ſuppoſing it ever to have taken place, it is only *a fact*, and not, properly ſpeaking, a *puniſhment*.

The framers of the conſtitutional code, not only foreſaw, as I have juſt obſerved, a poſſibility that the king might retract the THE OATH OF FIDELITY; but they alſo foreſaw, that without retracting the oath, he might betray the truſt repoſed in him; that he might, to diſturb the tranquility of the nation, and turn againſt her the power that had been placed in his hands for her defence: and, in the ſixth article of the Code, they have provided for the event in theſe words.

" If THE KING ſhall place himſelf at the head " of an army, and direct the operation of its forces " againſt THE NATION; or if he ſhall, by a plain " declaration, refuſe to oppoſe any ſuch enter- " prize, which ſhall be undertaken in his name, " he ſhall be deemed to have abdicated the " Throne."

I entreat your cloſe attention, CITIZENS, to the nature

nature of the crime, the poſſibility of which was thus foreſeen and provided againſt by the law.

" If THE KING ſhall place himſelf at the head " of an army, and direct the operation of its forces " againſt THE NATION."

A crime of a more ſerious nature certainly cannot exiſt; it is a crime in which every other ſpecies of guilt is virtually involved; it preſuppoſes in its formation all the machinations, plottings, and perfidies which ſuch an enterprize neceſſarily requires; in its effects, all the horrors, maſſacres, and calamities which are inſeparable from bloody and inteſtine war—and yet what is the conſequence denounced by the Code—the preſumed abdication of the Throne.

The ſeventh article of the Conſtitution goes even further, and foreſees the exiſtence of a caſe in which the king may quit the kingdom, and refuſe to return within a limited time, after requiſition made to him by the legiſlative body for that purpoſe. Yet even in this extreme caſe, what is the decree of the Code—a preſumed abdication of THE THRONE.

But the eighth and laſt article is, upon this ſubject of ſtill greater importance. It declares, that " after an *expreſs* or *legal* abdication THE KING " ſhall be conſidered as belonging to the claſs of " *Citizens*, and ſhall be liable to be *accuſed* and " *tried* for *acts done poſterior to his abdication*, in " the ſame manner as citizens are liable to be ac- " cuſed and tried."

The meaning of the words " *expreſs* abdication," is too clear and manifeſt to require an obſervation; and a " *legal* abdication," is ſufficiently defined by the ſeveral articles of the Code which I have already recited.

The unavoidable reſult is, that LEWIS cannot be conſidered as belonging to the claſs of Citizens

Citizens until he has committed one of the crimes which carry the preſumption of his having abdicated the Throne, or has voluntarily abandoned the kingdom. Antecedent, therefore, to any of thoſe events, LEWIS muſt conſequently be conſidered in his character of KING, poſſeſſing a conſtitutional exiſtence, particular, independent, and poſitively diſtinct from that of the Citizen. And from what ſource is this particular, this priviledged exiſtence derived, if it be not from THE LAWS which have inveſted him with a character ſacred and inviolable, of which he cannot be deprived, until he has either *expreſsly* or *legally* abdicated the Throne.

Obſerve, alſo, that the law which declares that the king ſhall be reduced to the rank of citizen after a legal abdication of the Throne, makes that abdication the reſult of—what?——One of the higheſt crimes that it is in the power of A KING to commit againſt A NATION; the taking the command of an army for the purpoſe of diſturbing the peace, and deſtroying the liberties of his people. And yet it is only *after* the commiſſion of ſuch an atrocious crime that he is to be degraded to the level of a common citizen. If the king, therefore, ſhould even have been taken in arms againſt his country, he cannot, by law, be put to death; for the law is not only ſilent as to puniſhment, but explicitly directs that he ſhall experience no other conſequence than—his abdication of the Throne.

How clearly, CITIZENS, the ſeveral contexts of this Conſtitutional Code, when placed together, illuſtrate and expound each other! What a ſteady and irreſiſtable light they ſpread around the ſubject now under diſcuſſion!

But I ſhall continue the chain of reaſoning.

THE KING, when reduced to the rank of a citizen,

citizen, may be accuſed and tried like other citizens.

But for what actions?

The queſtion is anſwered by the words of the law, "for acts *poſterior* to his abdication of the "Throne."

Therefore for actions *anterior* to his abdication he cannot be *tried*, in the legal and well known meaning of that term.—The only conſequence that can follow to the king from ſuch actions, is a preſumption that he has abdicated the Throne; for this is the only conſequence pointed out by Conſtitutional Code; and you cannot, CITIZENS, depart, upon this occaſion, from the letter of the law.

THE LAW is in this reſpect preciſely the ſame, whether its operation be applied to THE LEGISLATURE or to THE KING. The members of that body may abuſe the power, and betray the intereſts intruſted to their care: they may prolong the exiſtence of their authority beyond the period which the Conſtitution has fixed for its duration: they may invade the ſovereignty of the kingdom: and the people would undoubtedly have a right to diſſolve ſo treacherous an aſſembly. But the Code of the Conſtitution has denounced no puniſhment either againſt the aggregate body, or its individual members.

To apply theſe principles to the preſent caſe.

LEWIS is accuſed, of various crimes, in the name of the people of France.

Theſe crimes are either provided againſt by the Conſtitutional Code, or they are not provided againſt.

If they are not provided againſt by the Conſtitutional Code, you cannot take cognizance of them; for then there is no exiſting law by which they can be tried, and you are ſenſible that the

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moſt ſacred right, among the *rights of men*, is, that that no MAN ſhall be tried, except upon ſome known law, clearly promulgated, anterior to the commiſſion of the imputed crime.

If they are provided againſt by the Conſtitutional Code, then LEWIS can only have incurred the preſumption that he has abdicated the Throne.

But I carry this argument ſtill further. I contend that the crimes with which LEWIS is charged are provided againſt by the Conſtitutional Code; for it has provided againſt one which is more atrocious than all others, and in which the proviſion againſt all others is neceſſarily included. The crime I allude to, is that of converting the power, with which he is entruſted for the defence of the nation, into an engine of her deſtruction. Conſtrue this proviſion in any way whatever, and it unavoidably compriſes every poſſible offence. The higheſt ſpecies of treaſon which it was in the power of LEWIS to commit, by contriving and intending the ſubverſion of a Conſtitution which he had ſworn to preſerve, cannot amount to more than a conſtructive *war* againſt the ſtate; and this *war*, taken in its figurative ſenſe, is certainly leſs terrible than the devaſtations, maſſacres, murders, and conflagrations, that war, when taken in its literal ſenſe, is always ſuppoſed to occaſion.—And yet the law only declares, that the king ſhall be preſumed to have abdicated the Throne.

I am aware, however, that as the nation has aboliſhed monarchy, a declaration of this preſumed abdication cannot now be made.

The people had undoubtedly a right to aboliſh monarchy; and they have, in fact, exerciſed that right, by changing the form of government throughout France.

But is the fate of Lewis dependant on this change?

Can it deprive him of the protection of thoſe laws to which he was previouſly ſubjected?

Can it go beyond the condition of the delegation by which alone he was bound?

Has not LEWIS the right to ſay, "I was the "priſoner of the nation when the Convention "was formed, and you might then, as you are "about to do now, have pronounced my fate. "Why have you not pronounced it? You have "aboliſhed monarchy. I do not conteſt your "right; but, if the declaration of the national "will, upon this ſubject, had been ſuſpended "until you had brought me to trial upon your "preſent accuſations, you could not, even if any "guilt had been proved, have paſſed any other "judgment than—a preſumed abdication of the "Throne.

"Why then did you not begin your proceed-"ings againſt me at this point? Can the revo-"lution you have produced injure the rights that "I precedently poſſeſſed? Having placed your-"ſelves in a new ſituation, beyond the limits of "the Conſtitution, upon what pretence can it be "objected againſt me that the Conſtitution is "deſtroyed. What! ſhall I, in your anxiety "to puniſh me, be deprived of the ſhelter which "the laws of my country afforded, becauſe you "have annihilated the Conſtitution on which "they were founded. Shall I, in your diſpoſition "to puniſh me, receive a judgment different from "that to which I ſubmitted, becauſe you can find "no law on which you have a right to condemn "me. Shall I, in your diſpoſition to puniſh me, "become the victim of a retroſpective law, made "purpoſely to reach me, becauſe there is no "exiſting law that will apply to my caſe. I "admit that you now are inveſted with powers "extenſive and unrivalled; but there is one, I

"truſt,

" truſt, you do not yet poſſeſs, the power of " being—*unjuſt!*"

CITIZENS, I am unable to conjecture any ſolid anſwer that can be given to this defence. It has, however, been oppoſed. It has been ſaid, that to renounce the right of inflicting different puniſhments than thoſe which the Conſtitution has provided for crimes againſt itſelf, would be a renunciation of the rights of ſovereignty. But this is ſo faint and flimſey an equivocation, that it is only aſtoniſhing it ſhould ever have prevailed.

The people have undeniably a right to form a Code of Conſtitutional Law, as a foundation for their government; and their right to change, or modify the law, which they have thus a right to make, cannot be renounced; for it is eſſential to, and inſeparable from the right of ſovereignty which is inherent in themſelves. But they cannot, while the Conſtitutional Law, which they have thus made, remains unaltered and unrepealed, ſay, " *We will refuſe to execute the laws we have made* " *notwithſtanding* THE OATH *we have taken to carry* " *them into execution,*" without juſtly exciting the loud and contemptuous clamours of an indignant world.—To authoriſe language like this, would be to inſult the honor and good faith of the nation, by making the repreſentatives of the people, openly declare, that THE CONSTITUTION of the country, inſtead of being the palladium of perſonal ſafety, was only a cruel engine of oppreſſion and deceit.

But an opinion has alſo been expreſſed, that, ſuppoſing the ſpecific crimes with which LEWIS is charged, are not provided for by the Conſtitutional Code, yet that he may be tried on the principles of natural law and political juſtice.

On this opinion I ſhall make two obſervations. The firſt is, that it would be not only unjuſt, but

abſurd, to deny to THE KING the ſame right which the law confers upon the meaneſt ſubject; that of being tried according to the municipal law, and exempted from the dangers of an arbitrary judicature.

The ſecond is, that the notion upon which this extravagant opinion is founded is not true; for the crimes with which LEWIS is charged, if taken collectively, are provided for by the Conſtitutional Code.

What is the *ſubſtance* of all the offences that are imputed to him.

It is that, having co-operated, as far as he was able, in enterprizes made to ſubvert the Conſtitution, he has thereby treacherouſly violated the truſts repoſed in him by the people.—But this crime is evidently compriſed under the ſixth article of the Conſtitutional Code, which provides for the caſe in which THE KING ſhall refuſe to oppoſe any enterprize, hoſtile to the nation, that may be made in his name But if the offence deſcribed in the firſt clauſe of that article—namely, making war againſt the nation at the head of an army, which is an offence of higher malignity than that which the ſecond clauſe deſcribes, is only to draw after it a preſumed abdication of the Throne, how is it poſſible, in reaſon or in juſtice, to impoſe a ſuperior puniſhment on an inferior offence.

I endeavour to ſelect the moſt ſpecious objections which have been raiſed againſt the principles I have laid down, in order that I may anſwer them all.

But it is needleſs for me to make any obſervation on the notion, that *judgment* has been paſſed againſt the conduct of LEWIS by the *inſurrection* it is ſaid to have occaſioned; for every faculty of the mind, and all the feelings of the heart, equally revolt at the diſcuſſion of a maxim as deſtructive

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to the exiſtence of civil liberty, as it is repugnant to the principles of natural juſtice: a maxim which endangers the life and honour of every citizen, and which, the very meaning of *inſurrection*, proves to be falſe and groundleſs. Without ſtopping to examine the features which diſtinguiſh a *lawful* from a *rebellious* inſurrection; a *general* from a *partial* riſing of the people; I contend, that AN INSURRECTION muſt, from its very nature, be a ſudden and violent reſiſtence to ſome real or imaginary oppreſſion; and being founded on the impulſe of paſſion, and not on the deliberation of reaſon, cannot be called a *judgment* of the mind. In a government that has any Conſtitution whatever for its ſupport, an inſurrection is only an appeal to its principles, urging a determination founded on opinions which the Conſtitution itſelf has conſecrated. Every government, in ſhort, whether republican, monarchic, or mixed, which is not raiſed upon the firm baſis of Conſtitutional Law, but which gives to a ſtate of inſurrection, whatever may be its nature or its end, thoſe powers which belong excluſively to THE LAWS, is a ſuperſtructure of mere ſand, which the firſt breeze of popular fury will immediately blow away.

Leſs neceſſary will it be for me to advert to the obſervation, that *royalty* was a crime becauſe it was a uſurpation. If royalty be in this reſpect a crime, it is a crime committed on the part of the nation; for it ſuppoſes the people to have openly ſaid to the king, "We offer you the Throne;" but ſilently to themſelves, "And now we will puniſh you for accepting it."

It has, however, been objected, that LEWIS ought not to be protected by the LAWS; becauſe, as it is even yet pretended, he has violated the precepts of THE CONSTITUTION. But as, in the ſequel of my diſcourſe, I ſhall prove moſt clearly the contrary,

contrary, I ſhall, at preſent, only obſerve, that the Legiſlature of the Conſtitution perceived the poſſibility of its being violated, and has inflicted no other puniſhment upon the crime than—a preſumed abdication of the Throne.

It has alſo been ſaid, that LEWIS ought to be treated as *an enemy* to the ſtate. And is not he an *enemy* to the ſtate who appears in arms againſt his country? Yet, for it is neceſſary to repeat it ſince it is ſo ſoon forgotten, the Conſtitutional Legiſlators foreſaw the offence, and have deſcribed its puniſhment.

It has alſo been ſaid, that the *inviolability* of the perſon of the king, relates only to his ſafety againſt the people *individually*; but, that between the collective body of the nation, and its chief magiſtrate, it has no operation. This conſtruction of the law would place the repreſentatives of the commonwealth in a ſimilar predicament; and, notwithſtanding the indemnity which the law has granted, would render them individually reſponſible in their private capacities, for acts collectively done in their public characters.

What an inconceivable ſyſtem!

But it has even been urged, that if no exiſting Law can be found applicable to LEWIS, the *will* of the people ſhall ſupply its place.

CITIZENS. Liſten to my anſwer!

I read theſe words in the writings of ROUSSEAU:* "In a ſociety where there is no public "law to direct my actions, nor judge to tell me "what it is, I cannot recur for it to the general "will; for the general will cannot, as general, "decide either upon men or things."—A text ſo clear requires no comment.

I ſhall here finiſh my obſervations on the ſtring

* ROUSSEAU *Contract Social*, Article IV.

of objections which I have collected from the ſwarm of writings that has been publiſhed on this ſubject; none of which, as you muſt perceive, militate in any degree againſt the principles I have laid down.

But, further, it appears to me, that taking not only what has been ſaid, but every thing that human imagination or ingenuity can adduce againſt the *inviolability* eſtabliſhed by the Conſtitutional Code, only the one or the other of theſe two conſequences can poſſibly reſult. FIRST, that the law ought not to be conſtrued in the abſolute ſenſe in which it is expreſſed. SECONDLY, ſuppoſing it to be ſo conſtrued, that it ought not, upon this occaſion, to be adhered to.

To the firſt point, I anſwer, that in the year 1789, when the law eſtabliſhing the king's *inviolability* was under diſcuſſion before the National Aſſembly, all the doubts, objections, and difficulties which are now revived were ſuggeſted and debated. This is a *fact* which cannot be denied; for it appears on the journals of the proceedings, and the proof of it is within every man's reach. Yet notwithſtanding the oppoſition it received, the law was adopted, and eſtabliſhed, in the very terms in which it is recorded in the Code of the Conſtitution. It cannot therefore now be underſtood in any other ſenſe than that which the words of it ſo plainly import. The diſtinctions by which it is attempted to change, or diſguiſe the intention of the legiſlature, cannot, in juſtice, be admitted: and, of courſe, the *inviolability* which the law has declared, cannot, in reaſon, be converted into an *inviolability* either relative or modified.

TO THE SECOND *point*, I anſwer, even if the law of *inviolability* were unreaſonable, abſurd, and deſtructive of the very intereſts it was intended to preſerve, yet while it continues unrepealed, it ought to be carried into execution; becauſe the

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nation adopted it when they accepted the conſtitution; becauſe they have thereby ratified it, and even ſanctioned the errors with which they reproach their repreſentatives; becauſe, to preclude every objection in one ſentence, the people have ſolemnly ſworn before GOD to adhere to this law while it continues to exiſt.

THE NATION may without doubt now declare that they will no longer ſupport a monarchical conſtitution, ſince it is impoſſible that the government can exiſt without the *inviolability* of THE MONARCH. The nation may renounce the Conſtitution for this ſingle cauſe. But the nation cannot efface this inviolability from the Conſtitutional Code during the time that LEWIS was ſeated on the throne. The perſon of LEWIS remained inviolable while he continued to be KING. The abolition of the monarchy cannot take away his rights. A preſumed abdication of the throne, is the only conſequence reſulting from the change of government that has been effected, and precludes the poſſibility of applying to him any other ſpecies of puniſhment. To conclude therefore the diſcuſſion of this point, it is clear that as no law exiſts applicable to LEWIS, no judgment can be paſſed upon him; and as no judgment can be given, it follows that ſentence of *condemnation* cannot be pronounced.

Conſider ſeriouſly, CITIZENS, when I ſpeak of *condemnation*, that if you deprive LEWIS of the *inviolability* which belongs to him in the character of KING, you muſt immediately admit him to thoſe rights to which he will be entitled, as a CITIZEN. For you cannot diveſt him, by your decree, of the character of KING for the purpoſes of *trial*, and afterwards reſtore him again to that character for the purpoſe of *condemnation*.

But if LEWIS is tried as A CITIZEN, I aſk, where are thoſe protecting forms of juriſprudence which

Citizens

citizens of every free ſtate have a preſcriptive title to demand; where are thoſe diſtinct and counteracting powers, without which there cannot exiſt either political or civil liberty; where are THE GRAND INQUESTS, the PETIT JURIES, thoſe hoſtages which the law has given to every citizen, for the ſafety of perſonal liberty, and as ſhields to innocence; where is that faculty of *challenging* the Jurors which the Conſtitution itſelf has adopted to prevent even the poſſibility of paſſion or prejudice from operating on their minds; where is that proportion of ſufferages which the wiſdom and humanity of the law have eſtabliſhed to avoid unjuſt condemnation; where is the reſort by which the rigors of offended juſtice may be tempered with the balm of mercy; where is that interval of ſilent ſcrutiny which the law has inſtituted for the purpoſe of forcing *recollection* upon the mind of THE JUDGE before he ventures to pronounce the condemnation of a citizen, which, if I may uſe the expreſſion, mingles *conſcience* and *opinion* in the urn of law; where, in ſhort, are all thoſe precautions which the Conſtitution has raiſed to prevent, even a guilty citizen from falling a victim to any other power than the arm of Juſtice?

I addreſs you, CITIZENS, with the bold ſpirit of freedom and independency. I look around me to diſcover who are THE JUDGES of LEWIS, but I ſee only his ACCUSERS. The accuſers of LEWIS are to pronounce his fate! Accuſers, by whom he has been already prejudged; for your pre-conceived opinions are at this moment circulating through every part of Europe!

Is LEWIS then the only *Frenchman* for whoſe preſervation no rule of law, no form of juſtice, exiſts? Is he to be ſtripped, both of his *rights* as a CITIZEN, and of his *perogatives* as A KING. Will

you neither permit him to derive benefit either from his old or from his new character.

Strange and myſterious deſtiny!

But I ſhall no longer dwell upon theſe reflections. I leave them to the compunctions of your conſciences. For I will not defend LEWIS upon *principles* only; but I will combat with that herd of prejudices which has been raiſed againſt his character; and in the end deſtroy them.

I ſhall now, therefore, preſent to you his JUSTIFICATION, and enter upon the diſcuſſion of the *facts* which are alledged againſt him in the articles of impeachment.

I ſhall divide this ſubject into two branches; and conſider, FIRST, the facts alledged, previous to the eſtabliſhment of the Conſtitution, and afterwards examine thoſe which are ſaid to have followed that event.

DIS-

PART THE SECOND.

DISCUSSION OF FACTS;

AND FIRST OF

FACTS PRECEEDING THE ACCEPTANCE OF THE CONSTITUTION.

THE articles of impeachment, CITIZENS, have a retroſpection, even to the month of June, in the year 1789, and therefore it will be neceſſary for me alſo to look back to that period.

But upon what pretence is it that you charge LEWIS with a deſign to ſuppreſs the meeting of THE NATIONAL ASSEMBLY, on the 20th day of that month? Is it poſſible for you to have forgot that this aſſembly was called into being by his magnanimity; that for one hundred and fifty years, the princes of this realm, more tenacious of power than LEWIS, have conſtantly refuſed to convene it; that he alone had courage to do it; that he alone has dared to draw around him the repreſentatives of the nation, and to confide in the enlightened zeal, and affectionate attachment of his people, without the fear or apprehenſion of their remonſtrances.* Recollect the many ſacrifices

* The ſtates general of France, conſiſting of the *nobility*, the *clergy*, and the *third eſtate*, had not been aſſembled in France from the year 1614, until the 7th of May, 1789, when Lewis the Sixteenth aſſembled them by a ſpeech from the Throne; a meaſure that was received with every demonſtration of grati-

fices he made previous to the meeting of this great National Convention. Recollect the many in-

tude and joy throughout the kingdom. But the functions of this aſſembly had been ſo long ſuſpended that the ſeveral members were unable to prove the *verification of their reſpective powers*, as required by the law of parliament. Differences aroſe upon this ſubject, and violent contention enſued among the three eſtates. The commons, or third eſtate, on the 6th of June, 1789, addreſſed the king, aſſuring him, "That his faithful commons would have long ſince preſented to his Majeſty "a reſpectful proof their gratitude for the convocation of THE "STATES, if their powers had been *verified*; which they would "have been if the *nobleſſe* had not inceſſantly raiſed new obſtacles, "&c." THE KING to this addreſs replied, "I receive with ſatisfaction the teſtimony of devotion, and attachment to THE MONARCHY of the repreſentatives of the *third eſtate* of my kingdom: "all orders of the ſtate have an equal claim to my favour, and "you may rely on my favour and protection. Above all, I recommend to you ſpeedily to ſecure, and that with the ſpirit of "prudence and of peace, the accompliſhment of the benefits I "am impatient to confer on my people, and which they confidently expect from my ſentiments in their favour." But the chamber of the *third eſtate* finding all their conciliatory meaſures ineffectual, and that the *nobleſſe* were determined not to unite with them, entered into a conſideration on the legal manner of conſtituting themſelves an aſſembly of the repreſentatives of the nation; and on the 17th of June, 1789, a motion was carried by 491 voices againſt 80, "That THE NATIONAL ASSEMBLY is "now legally conſtituted;" and "that they ſhould immediately "deliberate on the affairs of the nation." On the enſuing day motions were made by the patriotic members in the other two eſtates, for the *nobility* and *clergy* to unite themſelves with the *commons* in the National Aſſembly, but theſe motions being negatived by a ſmall majority, the members of the minority had determined to join the commons on the enſuing day, the 20th of June, 1789. Early in the morning, however, a proclamation was made by the heralds at arms, ſetting forth, that as the king intended to hold a royal ſeſſion of the ſtates general on the next day but one, the alteration that would be required in THE HALL made it neceſſary to ſuſpend all previous aſſemblies; and when the preſident of the National Aſſembly, and the two ſecretaries, preſented themſelves at the gate of THE HALL, they found it ſhut, and guarded by ſoldiers. The members of the aſſembly immediately repaired to THE TENNIS COURT, in the ſtreet of *St. Francis*, where they continued their deliberations. TRANSLATOR.

ſtances

ſtances in which he deſpoiled the powers and prerogatives of the crown, to increaſe and adorn the liberties of the people. Recollect the ſincere and lively pleaſure, that evidently filled his breaſt, when he perceived that the happineſs of his people was augmented by the precious gifts which he had ſo bountifully beſtowed.

CITIZENS, we are now very far removed from that period. It has been too eaſily baniſhed from our minds: we do not ſufficiently remember the ſtate of France in the year 1787; the tranſcendent power which then ſwayed the ſceptre of the realm, and the reſpectful obedience it created. We no longer recollect that if it had not been for the voluntary motion of that generous but unfortunate PRINCE, againſt whom ſo many clamorous voices are now raiſed, the *ſtates general* would never have been aſſembled; and is it poſſible for you to conceive that THE MAN who thus ſpontaneouſly exhibited an intention at once ſo perilous and noble, could, in the ſhort ſpace of the enſuing month, adopt a conduct diametrically the reverſe?

You impute to him the cantonment of the troops round Paris; the commotions which thoſe troops occaſioned; and all the diſturbances which enſued in the month of July.

But I can myſelf afford convincing teſtimony, that LEWIS was not guided by the motives that are aſcribed to him. I can tell you, from evidence exiſting at the time, that the troops ſtationed round Paris, were ordered to defend the metropolis only againſt common diſturbers of the public peace; that ſo far from having received orders to oppoſe the reſiſtance of the Citizens, they were, on the contrary, ordered to halt at their approach; for I ſaw THE ORDER myſelf when I defended the commanding officer of thoſe troops*, who was ac-

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cuſed for this tranſaction of *high treaſon*; but who was immediately, and without the leaſt heſitation, acquitted, by the nation.

But to this charge the nation itſelf has furniſhed me with an anſwer ſtill more powerful and concluſive; for I perceive that on the fourth day of Auguſt 1789, the whole nation proclaimed LEWIS "*Reſtorer of the liberties of France*"; implored him to unit with his people in mutual acknowledgements to ſupreme being; and voted that a MEDAL ſhould be ſtruck to commemorate, to the lateſt time, this great event. But alas! the month of July, in every circumſtance that is favourable to LEWIS ſeems to be effaced from the public mind.

LEWIS is alſo reproached with the arrival of the *Flanders regiment* at *Verſailles*.—To this charge I anſwer that the municipal officers requeſted that regiment might be ſent for.

The affront offered to the *national cockade* is alſo adduced as an imputation upon LEWIS. But upon this article LEWIS has anſwered you himſelf, that this indecent tranſaction, if it ever took place, did not paſs in his preſence, or with his knowledge or conſent *.

LEWIS is alſo reproached with the obſerva-

* It was cuſtomary for the *gardes du Corps* at *Verſailles* to give an entertainment to any *new regiment*, on their arrival at that place; and accordingly a very ſumptuous dinner was provided for the *Flanders regiment*. It was ſaid, in the public papers of the time, that after dinner their Moſt Chriſtian Majeſties honoured the company with their preſence; that on their appearance the muſic inſtantly played the favorite ſong of *O Richard—O mon roi!* and the company joining in chorus, ſeemed to unite all ideas in one unanimous ſentiment of loyalty and love for the king, and nothing was heard for ſome time but repeated ſhouts of *vive le roi*, both within and without THE PALACE; that in the height of their zeal they proceeded to tear the *national* cockades from their hats and trample them under their feet; and that the *gardes du Corps* ſupplied them with black cockades, in the room of thoſe they had treated with ſuch diſdain. TRANSLATOR.

crees

tions he made upon the ſubject of the decrees paſſed on the eleventh of Auguſt. His conſcience dictated to him the neceſſity of making theſe obſervations; and why ſhould he be reproached with the liberty he exerciſed upon this occaſion, when the National Aſſembly has ſince given him a right even to oppoſe the decree themſelves.

The events which happened on the fifth and ſixth of october are alſo imputed to him. Upon this charge, CITIZENS, there is but one courſe that LEWIS can becomingly purſue, which is not to renew the remembrance of thoſe tranſactions. I ſhall with more pleaſure recall to your recollection, the noble deportment of LEWIS to the National Aſſembly on the fourth of February, and the equally meritorious conduct of the National Aſſembly to him. I ſhall with more pleaſure recall to your minds, that in the month of July following, the repreſentatives of the people, on their own voluntary motion, conſtituted LEWIS the chief of the national federation: and without doubt ſo diſtinguiſhing a mark of their confidence, proves the opinion they then entertained of his conduct.

But it is ſaid that LEWIS, ſubſequent to this federation, endeavoured to corrupt the public ſpirit; that papers were found in his poſſeſſion, by which *Talon* was directed to take a hoſtile part in *Paris*, and *Mirabeau* charged to excite the provinces to a *counter revolution*; that letters from the cofferer of the civil liſt were alſo found, which ſpeak of *money diſtributed*, and that this money had not produced the intended effect. Theſe papers are produced as evidences of LEWIS's guilt.

Upon the ſubject of this charge, CITIZENS, I have ſeveral anſwers to give.

FIRST, If I were defending an ordinary client in the Courts of Juſtice, I ſhould maintain, that papers, which could only be procured by a violent invaſion of his MANSION, ought not to be produced

produced in evidence againſt him; that even in caſes, where the *ſeizure of papers* is authoriſed, JUSTICE requires that they ſhould be immediately *inventoried* and *ſealed* up; and that the ſeals ſhould not be broken, or the contents of the papers examined, but in the preſence of the perſon accuſed; for, otherwiſe, enmity and malice might eaſily procure the condemnation of the moſt virtuous characters, by ſubtracting ſuch papers as tend to prove their innocence, or by foiſting into the bundle fabricated documents of their guilt. In ſhort, without this form of law, which requires the preſence of the perſon accuſed, on the taking an inventory, the ſealing up, and the opening of papers ſeized in his dwelling houſe, the honour of every citizen would be imminently precarious, and his perſonal liberty continually in danger.—— This defence, which I ſhould be intitled to make effectually in favour of every defendant, I have certainly a greater right to bring forward in favour of LEWIS—The private dwelling of LEWIS was invaded; his drawers forced; his deſks broke open; a great part of his papers loſt or deſtroyed; and thoſe which were taken not put under the cautionary ſafety of the law; for no inventory was made, nor any of the papers ſealed up. During this tumultuous invaſion of perſonal property, many documents which would have proved his innocence, or explained thoſe which are now produced againſt him, may have been miſlaid or purloined. LEWIS, in ſhort, was not preſent when his papers were ſeized; he did not ſuperintend the collection that has been made of them; he was not even called upon to inſpect the opening and examination of them. He, therefore, has a right to deny the identity of theſe papers, and you have no power to diſpute the fact.

But what, in fact, are theſe papers?

FIRST,

First, they are the letters of a man who is dead; and, is it poſſible, that under ſuch circumſtances, they can now be produced in evidence? If the perſon, whoſe letters they purport to be, were ſtill in exiſtence, they could not be read, even againſt himſelf, until the hand-writing had been proved; and upon what pretence can they poſſibly be produced againſt a third perſon: by what means can they be adduced as evidence againſt Lewis?

It is ſaid, that theſe letters ſpeak of *money diſtributed*; but, even admitting the fact, thus unexplained by any circumſtance, thus unimpeached by any improper motive, may not the munificence of Lewis have been abuſed; may not monies, more or leſs, have been obtained from him, under the pretence of honourable intentions, and a repreſentation of ſome great good to be performed? You cannot be ignorant of the various acts by which kings are frequently deceived. They may liſten anxiouſly for the voice of truth, but how ſeldom do they hear it? Are they not inceſſantly ſurrounded by ſnares? Are there not perſons vigilant to employ both their power and their riches to their prejudice? And ſhall kings be convicted of corruption, becauſe the intrigues or importunities of deſigning men have, in ſome degree, ſurprized or teaſed them into acts of munificence?

A memorial addreſſed to Lewis is alſo ſpoken of, in which it is ſaid, that Mirabeau is deſcribed as inclined to favour a *counter revolution* in the provinces. But is a king to anſwer for every memorial that may be preſented to him; can he verify the allegations, or even examine the facts they may contain. How additionally miſerable would be the condition of kings, if they were thus chargeable with all the

 ſuſpicion,

ſuſpicion, which the terms in which remonſtrances are expreſſed may excite.

MIRABEAU, Citizens, enjoyed, during the whole courſe of his public life, a popularity, which may be truly called *great*; a popularity which even ſurvived his death; and even now, when his memory is attacked, a voice raiſes itſelf to defend him before the nation: we therefore muſt wait until the nation has heard and decided.

In reality, do all theſe memorials, letters, and writings afford any teſtimony that can perſonally affect LEWIS? No one circumſtance can be extracted from them ſufficiently ſtrong to ſupport an accuſation. They do not furniſh even the ſhadow of a proof, that he adopted either the plans which were preſented, or the propoſitions which were made to him. The marginal annotations, which are ſaid to appear upon the memorials, do not mark the time to which they refer, or mention the name of the author: no trace exiſts from which the approbation of Lewis can be inferred. And the teſtimony which the public opinion afforded of his known and inflexible probity, is, if I may be permitted to produce it, alone amply ſufficient to clear him from all aſperſion tending to attaint his character.

As to the letter which is ſaid to have been written by LEWIS to LA FAYETTE, in the year 1790, requeſting him to concert meaſures with MIRABEAU, it appears to be only a rough draught; and no ſuch letter was, in fact, ever written. MIRABEAU and LA FAYETTE were at that time the two moſt popular and leading men in the kingdom; they were both of them anxiouſly endeavouring to eſtabliſh a free Conſtitution; equally zealous for the liberties of the people; and poſſeſſed great aſcendancy over the public mind. Admitting, therefore, that LEWIS had requeſted them

to conſult with each other; for what purpoſe could ſuch a conſultation have been deſired? Why, in the very terms of the letter—"*For the good of the State.*" In what, therefore, does the crime conſiſt?

LEWIS is alſo accuſed of having written a letter to *General Bouillé*, on the 4th of September, in the ſame year. But from this charge LEWIS has no occaſion to vindicate himſelf. The example of the repreſentatives of the nation is ſufficient to juſtify him; for, on the 3d of September, they decreed, that *Bouillé* ſhould be thanked, *for having glorioufly performed his duty*. And LEWIS wrote to him on the ſucceeding day, exhorting him to continue his ſervices in favour of the nation. How is it poſſible to cenſure LEWIS for thinking and acting in the ſame manner as the repreſentatives of the nation had thought and acted.

LEWIS is alſo charged to account for the concourſe of people who aſſembled at the *Thuilleries* on the 28th of February, 1789. But this meeting was not the work of LEWIS: it was the effect of unfounded rumours. Men, ardent in their zeal, conceiving the perſon of their king to be in danger, rallied round him; and, although LEWIS could not prevent the affection of their hearts, he immediately endeavoured to remove the deluſion of their minds. He perſuaded them to lay down their arms; and was the firſt who attempted to calm the perturbed ſpirit that appeared among the people.

The king's journey to *Varennes* is alſo introduced into the catalogue of crimes with which he is now accuſed: but as, at the time this tranſaction paſſed, LEWIS ſatisfactorily explained to the Conſtituent Aſſembly the motives of his conduct, I ſhall refer you to thoſe explanations for his juſtification upon this charge.

Even the blood that was ſpilt in the *Champ de*

Mars, on the 19th day of July, is made a ſubject of accuſation againſt the unhappy LEWIS. Of all the various charges, CITIZENS, which, upon this occaſion, you have collected againſt him, this imputation hangs the heavieſt on his heart.—What! impute the cruelties that were perpetrated in the *Champ de Mars* to LEWIS? What! Fix LEWIS with the torrents of blood that flowed on that diſaſtrous day? And do ye then forget, that at this dreadful period, this unhappy PRINCE was ſuſpended from the exerciſe of all the authority he had enjoyed; immured within his palace; made a priſoner by the nation; not ſuffered to wander from the ſight of his ſtern keepers; nor allowed to have any communication with his friends. By what means, under ſuch circumſtances, could he conſpire with others; or what effect, of any kind, could he produce himſelf.

Laſtly, You have reproached him with having employed the funds appropriated for the payment of the *Civil Liſt*, to the purpoſes of miſleading the opinion of the public, and of ſupporting the cauſe of *the emigrants*.

I ſhall have occaſion hereafter to ſpeak upon all the ſubjects which relate to the *emigrants*, and I ſhall find it an eaſy taſk to prove, that LEWIS never entertained any intention either to favour or ſupport their cauſe.

But with reſpect to *the libels* which he is charged with having encouraged, my obſervation is, that none of the *receipts* which are mentioned, were found among the papers of the adminiſtrator of the Civil Liſt, but in the poſſeſſion of his Secretary, who was not even perſonally known to LEWIS. And ſurely you will not impute to LEWIS the abuſes which *ſubalterns* may have committed, or the deſigns they may have conceived.

But even admitting, that LEWIS, not to *miſlead*,

but

but to *rectify* the ſentiments of the people, ſhould have endeavoured to do that which ſo many factious demagogues, on their parts, have done to *bewilder* or *corrupt* them, on what pretext could his conduct have been a ſubject of reproach.?

The people have, at length, declared in favour of a REPUBLIC; but this was not the form of government which then pleaſed the public mind. On the contrary, the preſent *Republicans* were then conſidered as a dangerous faction; they were even conſidered in this character ſo recently as the month of *July* laſt, when the Legiſlative Aſſembly, by a formal decree, explicitly reprobated this ſyſtem. The nation, previous to that period, inclined to the eſtabliſhed Conſtitution. Surely then, to write in its defence, was not only permitted as a legal act, but even required from every good citizen as a duty. LEWIS, as the chief executive magiſtrate, as guardian of the Conſtitution, as protector of the monarchy, was bound to ſuperintend and preſerve the intereſts of that ſacred depoſit which was intruſted to his care. In diſcharging the duties of this truſt, he had a right to influence the public opinion, in order to direct it to its proper end; and if, in honeſtly adopting the meaſures which were ſuggeſted to him, as beſt calculated to produce effect, his confidence ſhall have been abuſed; if, unknown to him, dangerous opinions have been diſſeminated, or wiſe and uſeful principles condemned, we may, in lamenting the dangers to which he was expoſed, heave a ſigh over the fate of kings; but we ought not to criminate him.

Theſe are the charges, CITIZENS, contained in the firſt epoch, to which the articles of impeachment refer.

I have noticed all the facts which you have there exhibited, and charged againſt LEWIS. I have

have juſtified his conduct in every article. I have not, however, yet pronounced *the word*, which, even admitting the truth of facts, alone ought to efface the memory and recollection of every fault it was in his power to commit; for, I have not yet obſerved to you, that it was *ſubſequent* to the times on which theſe facts are charged, that he *accepted* THE CONSTITUTION. This obſervation is, in effect, a full and ſufficient anſwer to all the charges. The Conſtitution was the *new pact* between THE PEOPLE and THE KING. This ſolemn covenant was founded in the abſolute and reciprocal confidence of the contracting parties. At the time it was entered into, the minds, both of THE PEOPLE and THE KING, were free and open, undiſturbed by paſſion, unclouded by prejudice; the memory of former grievances was extinguiſhed; the jealouſy of ſuſpicion was laid aſleep; the fury of diſſentions was appeaſed; every ſpecies of animoſity was ſubdued; and, therefore, the facts, which preceeded THE KING's acceptance of THE CONSTITUTION, cannot now be recalled from the deep oblivion in which they were then buried by all parties.

I ſhall, therefore, proceed to examine the facts which followed it.

PART THE THIRD.

DISCUSSION OF FACTS;

POSTERIOR TO

THE KING'S ACCEPTANCE OF THE CONSTITUTION.

THE charges exhibited in the articles of impeachment, poſterior to the Conſtitutional compact, I ſhall here ſeperate into two claſſes.

FIRST, Thoſe which LEWIS is not called upon perſonally to anſwer, and which only concern thoſe *agents* with which he was furniſhed by THE CONSTITUTION.

SECONDLY, Thoſe which perſonally apply to LEWIS himſelf.

I baniſh from my conſideration all thoſe acts for which the miniſters of LEWIS are accountable; becauſe it would be extreme injuſtice to make LEWIS anſwerable for the errors into which his miniſters may have fallen, or even for the faults which they may have committed. The conſtitution does not impoſe this reſponſibility upon him; on the contrary, it has created a perſonal reſponſibility in THE MINISTERS, for the very purpoſe of removing it from THE KING. The law has diſtinctly declared, that the nation will render miniſters alone liable for every meaſure they may actively take, or paſſively ſuffer againſt the intereſts of the kingdom. On their heads alone has the conſtitution directed its vengeance, for all the delinquencies of which they may be guilty againſt its ſafety or its laws. It has not directed the like menaces againſt THE

KING.

KING. It has not placed him in a ſtate either of peril or puniſhment, and the nation, by this clear diſtinction, has reſtrained its own power from either trying or condemning him. THE KING cannot act independently of his MINISTERS; an order ſigned by him alone is of no force; it was neceſſary that caution ſhould be impoſed upon the meaſures of adminiſtration, by rendering its agents continually amenable to the laws; and for this very reaſon becauſe the law had removed from LEWIS every ſpecies of ſimilar reſponſibility. The King and his Miniſters therefore cannot now be anſwerable at the ſame time for the ſame acts.

But by merely glancing at thoſe *miniſterial acts* which the articles of impeachment exhibit, it is immediately diſcoverable that the imputation they are intended to convey is entirely unfounded.

FIRST;

OF ACTS FOR WHICH

THE KING's MINISTERS ARE RESPONSIBLE.

LEWIS, for inſtance, is accuſed of not having communicated to the National Aſſembly the Convention of *Pilnitz* until it was known in every part of Europe. But, at the time alluded to, this matter was a ſecret negociation between THE EMPEROR and THE KING OF PRUSSIA, and the conditions upon which the Convention was to take place, were only the ſubject of dark and uncertain rumour. Government had not received any poſitive information concerning it; there was not in fact any certain evidence of its exiſtence. Nothing was known upon the ſubject, except the ſurmiſes which the letters or notes of agents at foreign courts had circulated. LEWIS therefore could not, from any exiſting ſtate neceſſity or ſenſe of publick duty, feel it an obligation upon the executive power, to communicate to an Aſſembly, circumſpecting and deliberating upon public affairs, the progreſs of a treaty of which he had no certain knowledge.

But the information of a Convention, which the adminiſtration could not communicate with any authority to the Aſſembly, was afterwards given by Lewis to his privy council the moment he received it. To prove the truth of this aſſertion, I call upon the ſecretaries of the foreign departments. They ought to come forward and diſcloſe the fact. It is their duty to atteſt, that the firſt papers which

were received by government relative to the Convention of *Pilnitz*, were immediately tranſmitted to the diplomatic committee. They can alſo give evidence, that at this time even the exiſtence of this Convention was uncertain; and that on the firſt rational credence appearing to be given to it, the diplomatic committe was immediately apprized of it. I have here in my own hands the documents that will prove it. The miniſter therefore to whom this pretended delay of information is imputed, though, as he no longer exiſts, he is now incapable of confronting his accuſers and of juſtifying himſelf againſt this charge, is evidently exempt from reproach.

LEWIS is alſo charged with another *miniſterial act*, the ſending of commiſſaries to *Arles*, who, as it is pretended, were more anxious to favour a counter revolution than to ſuppreſs it. But to this charge LEWIS, in the examination he has undergone, has given a correct and compleat anſwer. He has ſaid, that it is not by the conduct of the commiſſaries that the intentions of government ought to be eſtimated, but by the inſtructions the commiſſaries received. You do not find fault with the inſtructions, and you cannot therefore accuſe government.

LEWIS is alſo accuſed with having delayed, for one month, to diſpatch the decree by which *Avignon* and *Venaiſſin* were reunited to France.—The legiſlative aſſembly, CITIZENS, brought the ſame accuſation againſt the miniſter *Leſſart*. It is one of the moſt ſerious charges which they were capable of raiſing againſt him, and upon which the High National Court ought to pronounce ſentence. *Leſſart* is now no more; he periſhed while he was preparing a juſtification which he intended to ſubmit to all Europe; but he previouſly announced to the world, from the deep dungeon in which he expired,

pired, that this juſtification would remove every ſhadow of guilt. Can you then now renew an imputation againſt the memory of a man whoſe death has deprived him of the opportunity of vindicating his innocence?

LEWIS is alſo accuſed of having been the author of the troubles at *Niſmes*, the convulſions at *Jales*, and the conſpiracy of *Duſaillant*—and is LEWIS to be made reſponſible for all the miſchiefs which the tempeſt of a great revolution unavoidably produces? The form of government cannot be effectually changed in any country without producing direful and convulſive pangs, and it would indeed be difficult to conceive that they ſhould not be felt in the ſouthern parts of France, where the minds of men, naturally ardent, are eaſily diſpoſed to follow the firſt emotions with which they are impreſſed.

LEWIS is accuſed of inciting the continuance of theſe troubles upon a notion that becauſe THE PRINCES, his brothers, have formed ſome connections with *Duſaillant*, he muſt alſo be engaged with them. But this notion is clearly erroneous. The error is apparent from the very papers which have been tranſmitted to LEWIS, for it is mentioned, among other things, in theſe papers, that authority was given to *Duſaillant* to raiſe, in the name of THE PRINCES, the ſum of a *hundred thouſand crowns*; and, can it be conceived that if LEWIS had been deſirous of promoting conſpiracies, he would have reduced the conſpirators to the neceſſity of borrowing a ſum of money ſo diſproportioned to the expences which their projects would neceſſarily require, and that he would not himſelf have furniſhed them with ready and effectual means of accompliſhing their deſigns? To repel however this groundleſs charge at once, I here declare, that government was no ſooner furniſhed with information of the troubles in the ſouth, than LEWIS haſt-

ened to tranſmit them to THE ASSEMBLY, and all the precautions which the Aſſembly ſuggeſted, or the circumſtances required were immediately adopted to ſubdue them. The effects of the meaſures that were taken, affords the moſt ſatisfactory proof of the fact. The convulſions which agitated that part of the kingdom have now ceaſed for many months; and it is to the meaſures of government alone that this ſalutary effect can fairly be aſcribed.

Theſe diſturbances, however, have furniſhed a pretence to charge LEWIS with the crime of having received a letter from *Wiginſtein*, the commander in the ſouth, after he had been recalled, upon a ſuppoſition that he was employed by LEWIS ſubſequent to that event.—LEWIS has ſolemnly declared, that he has no recollection whatever of having received the letter alluded to, and the only evidence of any ſuch letter having ever been written, is a memorandum pretended to have been made by that officer; but even admitting the fact, how was it poſſible for LEWIS to prevent *Wiginſtein* from writing to him after his recall? LEWIS could do no more than refuſe to *Wiginſtein* any future employment, and this was done; for that officer was never promoted after his recall. The aſſertions therefore that he was appointed to the command of a veſſel, and to a poſt in the northern army, are equally unfounded. The rough draught of a letter found in the war office, may indeed afford ſome countenance to the report that *La Fayette* had requeſted the appointment for him; but that letter was never diſpatched; and in fact *Wiginſtein* remained at *Paris* from the time of his recall, and died without having been promoted to any new employment.

Guilt is alſo imputed to LEWIS reſpecting the *army eſtimates* delivered by NARBONNE to the National

tional Aſſembly. But to this I reply, that NARBONNE alone was reſponſible for the acts of his adminiſtration, and, that, on his reſigning his employment, he received the publict thanks by a decree of THE ASSEMBLY, and carried with him the eſteem and regret of the whole nation.

LEWIS is alſo charged with having deſtroyed THE NAVY, and with having refuſed to diſmiſs the miniſter *Bertrand* from office, notwithſtanding the remonſtrances which the National Aſſembly made to him on this ſubject. To this charge I reply, that *Bertrand* himſelf refuted every inſinuation that was raiſed againſt him, and that as the National Aſſembly did not bring forward againſt him any ſpecific accuſation, LEWIS was certainly not bound to withdraw his confidence from an affectionate and faithful miniſter.

The unfortunate LEWIS is even conſidered as the ſource of all thoſe diſaſtrous events that have taken place in our colonies. But I perceive that it will not be thought neceſſary for me to vindicate him from a charge ſo general and unfounded.

LEWIS is alſo charged with having delayed to communicate the earlieſt intelligence of the hoſtilities with which we were threatened by Pruſſia. But LEWIS has already declared to you, in anſwer to your interrogations upon this ſubject, that he immediately tranſmitted every authentic information to the National Aſſembly, the moment it was received; and the office of the ſecretary for foreign affairs affords the cleareſt teſtimony of the truth of this aſſertion.

LEWIS is alſo reproached with the ſurrender of *Longwy* and *Verdun*. The fact as to *Longwy* is, that it was ſurrendered by its inhabitants; and as to *Verdun*, let it be recollected, CITIZENS, that the gallant governor of that town, the immortal

Beaurepaire

Beaurepaire, a man ſo juſtly celebrated for his heroic deeds, who preferred a glorious death to the ſhame of ſurviving a defeat, was appointed to the command by the voluntary choice of LEWIS himſelf.

LEWIS is even accuſed of having ſuffered the French people to be diſgraced among the nations of Europe. Upon this charge one obſervation will be ſufficient. I demand, in the name of LEWIS, that the office of foreign affairs may be ſearched, and there the moſt authentic vouchers will be found that, LEWIS not only gave information to the members of adminiſtration of every inſult offered to the nation by any of the courts of Europe, whenever he received it, but that they immediately proceeded to demand reparation. The ſhort ſpace of time allowed to myſelf and my colleagues to prepare this defence has prevented us from procuring theſe papers; but LEWIS inſiſts that ſuch memorials once exiſted.

Finally, LEWIS is charged with having retained the regiment of *Swiſs Guards* in his ſervice, contrary to the Conſtitutional decree, and the expreſs order of the National Aſſembly.—But mark! how a plain ſtate of facts will anſwer and refute this imputation! The conſtituent Aſſembly, on the 17th September, decred that the king ſhould be requeſted to preſent to the conſideration of the legiſlature a new orginazation of the old regiment of Swiſs Guards, purſuant to agreements and ſtipulations to be made with *Switzerland*. The National Aſſembly, conſidering how well the good conduct of that regiment had deſerved the favour of the nation, ordered that it ſhould continue on its ancient eſtabliſhment until its new orginazation was formed, and its *future deſtination and mode of ſervice* decreed. In conſequence of this order, the *Swiss Guards* continued in the ſame ſtation. The legiſlative Aſſembly, on the 15th July laſt, paſſed a decree,

decree, that the executive power ſhould be requeſted to order all the troops of the line that were garriſoned in *Paris* to be removed from the metropolis in three days. The diplomatic committee, by another decree, paſſed on the very ſame day, was directed to make a report of the ſtipulations they had formed reſpecting the Swiſs Guards, and the ſuppreſſion of the poſt of *Colonel General* of that regiment. On the 17th July, a letter was received from *D'Affry*, upon the ſubject of an order tranſmitted to him reſpecting the departure of the *Swiss Guards*, in which he refers to the ſtipulations, which were then in force. In conſequence of this letter, a proviſional decree was paſſed, ordaining that two battalions of the Swiſs regiment ſhould be removed to the diſtance of thirty miles from the capital, until the diplomatic committee had made a report upon the projected organization. *D'Affry*, not knowing what conduct to purſue between the Swiſs ſtipulations, and the apparent inclination of the Aſſembly, preſented a memorial to the Aſſembly on the 4th of Auguſt, requeſting further orders reſpecting the mode of executing this decree; but the Aſſembly, without even noticing the memorial, paſſed to the order of the day: and the decree was immediately carried into execution.

The charges, CITIZENS, which I have here enumerated, reſult from acts, for which *miniſters* are only reſponſible; and on this conſideration LEWIS might have refrained from entering upon the diſcuſſion of them; but as theſe charges, if they were true, would, in fact, furniſh matter of reproach, LEWIS, though not perſonally reſponſible for them, would perhaps have been blamed if they had not been anſwered. I truſt, therefore, that, even in the rapidity with which I have been forced, by the preſſure of time, to diſcuſs them, I have proved to the people of France that LEWIS,

even

in matters where the nation did not exact any reſponſibility from him, has always conducted himſelf in a manner perfectly conformable to law, and as if he had been thereby accountable for the advice of his miniſters.

I ſhall now paſs to the conſideration of thoſe facts, which may be ſuppoſed perſonally to affect THE KING.

SECONDLY

SECONDLY,

OF ACTS

PERSONALLY AFFECTING LEWIS.

ALTHOUGH the time allowed to me, preſſes with increaſing ſteps upon the variety of matter which now calls for your attention, I ſhall nevertheleſs reply to all the charges that are exhibited againſt THE KING.

I muſt, however, LEGISLATORS, reply with more rapidity and much leſs detail than I ſhould have done, if I had had the opportunity of combining all the proofs and illuſtrations which a defence, embracing ſo many different ſubjects, neceſſarily requires. But the celerity with which I am forced to diſcuſs theſe charges, ſhall not prevent me from refuting them.

The advocates of LEWIS, diſregarding every conſideration that may perſonally affect themſelves, rivet their attention anxiouſly and excluſively to the cauſe of LEWIS. They are not unconcious that a trial, upon the event of which, the eyes of an aſtoniſhed world are fixed with ſolicitude and concern; that A KING defended before the repreſentatives of a mighty people whoſe triumphs have amazed the nations of the earth, afford a ſubject, ſo rich and fruitful to all the feelings and emotions of the human ſoul, that it not only merits, but requires a diſcuſſion as great and magnificent as the ſource from whence it ariſes is aweful and ſtupendous. But the advocates of

LEWIS are only anxious to enlighten the minds of the people by the rays of truth, to recall their miſguided feelings by temperate obſervations, and to remove the films of prejudice from their eyes by argument and reaſon. The advocates of LEWIS wiſh to convince by the power of *fact* alone. They abandon, therefore, every ſpecies of rhetorical eloquence; ſacrifice the opportunities of fame to the intereſts of LEWIS; and truſt that their conduct will not be diſapproved by the powers of Europe who are liſtening to their defence.

LEWIS is accuſed of having refuſed his aſſent to the decrees reſpecting the *camp of Paris* and *the prieſts*.—To this charge it might perhaps be ſufficient for me to reply, that THE CONSTITUTION inveſts THE KING with an uncontroulable power of giving or refuſing his ſanction to every public law; and, therefore, even upon a ſuppoſition that this power has, in the preſent inſtance, been miſtakenly exerciſed, you have no legal or Conſtitutional right to ſcrutinize into the motives of his conduct, and ſtill leſs to denominate this honeſt exerciſe of his authority a crime. But waving this obſervation, and ſuppoſing the *veto* he put on this decree to be *politically* erroneous, I contend, that the refuſal of his aſſent was, at bottom, *morally* juſt. The decree had ſpread a univerſal alarm through the minds of the national guards; contentions aroſe among the inhabitants of the metropolis upon the ſubject; it was juſtified by ſome, but oppoſed by many; and, even in the council, various opinions prevailed with reſpect to its propriety. Surrounded by theſe agitations, and anxious to prevent further diſturbances, LEWIS, in exerciſing the diſcretionary power with which he was inveſted, conceived it moſt prudent to refuſe his ſanction to the decree. He adopted, however, at the ſame time, another meaſuring,

poſſeſſing

poſſeſſing all the advantages which the ſupporters of the decree expected to derive from it, and entirely free from the objections on which it was oppoſed. He immediately formed a camp at *Soiſſons!* A meaſure from which the nation has derived the moſt important benefits; for the camp of *Soiſſons* has rendered great and eſſential ſervices to the *French army*, while, as is clearly demonſtrable, the *camp of Paris* would have been nugatory and uſeleſs.

As to the decree relating to *the prieſts*, I anſwer, CITIZENS, that where LIBERTY prevails, the mind muſt be free, and the conſcience unſhackled. LEWIS felt, that in giving his ſanction to this decree, he ſhould do an act repugnant to the dictates of his conſcience. The powers of his mind may have been betrayed upon this occaſion by the feelings of his heart; but if his judgment be erroneous, it is the error of virtue, and if, from the neceſſity of the times, the effect of ſuch errors muſt be blamed, who will not, at the ſame time, revere the ſources from whence they are derived. Recollect, alſo, the ever memorable 20th of June. Recollect the firm and undaunted ſpirit with which LEWIS maintained his opinion! How many PRINCES would have ſurrendered their ſentiments to the appearances of danger which threatened the avowal of them. But LEWIS, diſdaining to temporiſe, liſtened only to the voice of conſcience, and diſregarded all the ſuggeſtions of fear His reſiſtance was not only ſpirited, but ſincere. And, if it were poſſible to juſtify LEWIS to minds who are capable of thinking ſuch conduct criminal, his ſteady perſeverance in an opinion, founded on the free and unbiaſſed dictates of conſcience, would gain him, not only acquital, but applauſe. Do not, however, imagine, from theſe obſervations, that the opinion

which LEWIS formed on the decree reſpecting the *prieſts* was ſingular, lonely, peculiar to himſelf, and unadopted by any of his miniſters; for, *Morgues*, in a letter dated on this very 20th of June, openly and unequivocally declares, that this decree was "*equally repugnant to the ſentiments of* "*his mind and the feelings of his heart.*"

The imputations thrown upon the conduct of LEWIS, reſpecting this decree againſt *the prieſts*, has given birth to another aſperſion, on the ſubject of a memorial tranſmitted from the Court of Rome, in which THE POPE demands a reſtoration of his rights over *Avignon*, and thoſe of the *Holy See*. But by what means could LEWIS prevent the Holy Father from preſenting this memorial; and on what pretence can his having received it be converted into a crime.

LEWIS has alſo, and with equal injuſtice, been accuſed of having written, in the year 1791, a letter to the *Biſhop of Cleremont*, ſignifying his attachment to the *Catholic faith*, and a diſpoſition to eſtabliſh the ancient form of worſhip whenever he ſhould recover his power.—The contents of this letter were *purely religious*, and by the expreſs terms of the great Conſtitutional Code, he is permitted to indulge a liberty of conſcience, and a freedom of opinion on all religious ſubjects. This indulgence, it is true, does not appear in the civil Conſtitution of the clergy; it is eraſed from the face of that preliminary Code; or, to ſpeak more properly, the modes of ſacerdotal worſhip never formed any part of it. The fact, however, is, that this letter was written anterior to the period when LEWIS accepted this preliminary Code; and even when he did accept it, it was not as a perfect, finiſhed, faultleſs Law; for he declared, at the time his aſſent was given, that it was not exempt from errors, and required reviſion. The king, therefore,

therefore, hoped that the ſubject would be reconſidered, he expected a reformation would be legally adopted; and you will not, ſurely, conſtrue a well founded hope of affecting a legal reformation in an erroneous ſyſtem, into an intention to ſubvert or deſtroy it.

LEWIS is accuſed of having kept THE GUARDS in his pay after the Aſſembly had ordered them to be diſbanded. A multiplicity of anſwers immediately preſent themſelves upon the ſubject of this charge. It cannot be denied, but that LEWIS might have refuſed his ſanction to the decree which ordered THE GUARDS to be diſbanded; for as thoſe guards had been aſſigned to him by the Conſtitution, he could not be deprived of their protection without his own conſent. The National Aſſembly, however, requeſted of him to diſband them, and he immediately acquieſed. But as the decree for this purpoſe granted new powers to LEWIS to re-organize this guard, and to compoſe it in a great meaſure of the ſame men, it was neceſſary that *the pay* ſhould be continued until the new eſtabliſhment could be effected. It was an act founded on the feelings of humanity and a ſenſe of juſtice. It was a debt equally due from LEWIS to thoſe guards who might, and to thoſe who might not re-enter into his ſervice. To the one it was immediately a matter of ſtrict right; and the others afterwards became equally intitled, as no judgment was paſſed to deprive them of their claims. The orders of LEWIS upon this occaſion were not ſecretly made or clandeſtinely executed; but as his intentions were pure and upright, his conduct was public and avowed. Among theſe guards, it is ſaid, that ſome were notorious for their diſaffection to the new government; but, as no ſpecific or poſitive charge was ever made againſt them, have I not a right to ſay they are innocent?

innocent? as they have never been brought to trial, upon what ground can you infer their guilt; and if any of them were in fact diſaffected, is it not fair to ſuppoſe, that LEWIS would have baniſhed them from the new eſtabliſhment he was authoriſed to form. But until their diſaffection appeared, it would not only have been unjuſt, but barbarous in LEWIS to have refuſed them the aſſiſtance, of which, from their deep diſtreſs, they ſtood ſo much in need.

LEWIS is alſo accuſed of having afforded ſuccours to *the emigrants*; of having correſponded with his *brothers*; of having, by means of his ambaſſadors, encouraged foreign powers to unite their arms againſt the intereſts of France; and even of having exerted his influence at the Court of *Vienna*.

To theſe ſeveral accuſations, LEGISLATORS, which I have taken thus together, becauſe they collectively form only one charge in the articles of impeachment, I anſwer,

FIRST, that LEWIS has teſtified, in every public tranſaction of government, a ſtrong, uniform, and inceſſant oppoſition to every ſpecies of emigration; and has conſtantly endeavoured to prevent it, not only by national proclamations, but in all his tranſactions with foreign courts. The miniſters of the council, and the office of foreign affairs, although the ſhortneſs of the time allowed to us, has prevented our ſearching them, contain a multiplicity of authentic documents, which afford irrefragable proofs of the truth of this aſſertion; and to thoſe documents I refer. Among the many inſtances of this kind, the truth of which theſe foreign papers ſo clearly prove, there is one too remarkable to be omitted. In the month of November 1791, the *emigrants* wanted to purchaſe a number of cannon, and other implements of war, but the

the inhabitants of *Franckfort* refuſed to ſell. LEWIS was informed of this circumſtance by his reſident in that city. He immediately directed his miniſter to write to the reſident, ordering him to return HIS thanks to the magiſtrate of *Franckfort* for his good conduct upon this occaſion; and to requeſt of him to redouble his vigilance and caution, in order to prevent *the emigrants* from purchaſing the arms and ammunition they ſeem ſo anxious to obtain. With reſpect to the public conduct of THE KING, therefore no doubt on this ſubject can poſſibly remain. But it may be aſked, what his private conduct has been reſpecting this charge. It is ſaid, that pecuniary aſſiſtance has been ſecretly given to the emigrants. CITIZENS, I here moſt ſolemnly declare, that there is not a ſingle emigrant, properly ſo called, to whom LEWIS has afforded any pecuniary aſſiſtance whatever. It is true iudeed, that he aſſiſted his nephews when their father was no longer able to aſſiſt them. But who will dare to call this a crime? The one of theſe inoffenſive objects of his care was only eleven years of age, and the other only fourteen, when their father quitted France. And can two helpleſs infants of this deſcription be called *emigrants*, for fondly flying to the protection of their father? At this period the law was ſilent reſpecting the *age* at which a perſon quitting the kingdom ſhould be deemed an emigrant; the legiſlature it is true has now paſſed a decree upon this ſubject, but it cannot reach, by retroſpection, the time when the King's bounty was thus meritoriouſly beſtowed. By a ſubſequent decree confiſcating the property of emigrants, the life and fortunes of the father of theſe guiltleſs infants were forfeited to the ſtate, and the nephews of the King thereby deprived of every reſource. They were, however, ſtill his nephews. And was LEWIS, by this decree, to be deprived of all the natural

feelings

feelings of his heart? Was he thereby bound to baniſh every tender ſentiment of his mind? Were all the fine ſenſibilities of his ſoul to be eradicated? Was LEWIS, becauſe he continued KING, to ceaſe to be PARENT, and even to diſgrace the name of MAN?

The governeſs of his own children was alſo an object of his private bounty; but recollect that theſe gifts were made to one who had carefully protected the infancy of his offspring; and who left *France* ſo long ago as the year 1789.

To his favorite *Choiſeul-Beauprè*, one of the faithful and loved companions of his youth, he alſo made ſome trifling preſents; but *Choiſeul*, at the commencement of the revolution, ſought refuge in ITALY, and has never appeared in arms againſt FRANCE.*

Rochefort is alſo mentioned in the articles of impeachment, as a perſon who has privately received pecuniary aſſiſtance from the hand of LEWIS; but *Rocheforte* has not emigrated.

LEWIS is alſo accuſed of having remitted a ſum of money to *Bouillè*; but it is clear that this was only to defray the expences of his journey to *Montmèdy*. Even the preſent which from a ſenſe of honor and juſtice he made to *Hamilton*, to repair the loſſes he had ſuſtained in this journey, and which his ſlender circumſtances were unable to ſupport, is alſo adduced as a ſubject of reproach againſt LEWIS.

But it is more ſerioſly ſaid, that BOUILLE remitted to *Monſieur*, by the order of LEWIS, a ſum of more than ſix hundred thouſand livres. This charge CITIZENS, incredible as it may appear, is merely the

* I omitted to mention of *La Vanguion*, another perſon who was favoured by LEWIS, and who is introduced into the articles of impeachment. But he returned into *Spain*, on the firſt appearance of the revolution.

natcre

nature of an ambiguous expreſſion. The account tranſmitted by BOUILLE is in theſe words, "Remitted to *Monſieur* the King's brother by *his* order." The order here alluded to, is evidently the order of *Monſieur*, who in fact gave orders in a foreign name, and even iſſued warrants in the name of THE KING, and not in that of LEWIS. The miſconception therefore aroſe from adding "the King's brother" to the name "*Monſieur*"

The King moſt ſolemnly declares, and the truth certainly is, that he never tranſmitted any pecuniary aſſiſtance whatever to *Monſieur*. This fact would have been moſt authentically proved, if thoſe papers which accompanied the order ſent by BOUILLE, and in which the whole context would have been ſeen, had been communicated to us. LEWIS advanced the ſum of 400,000 livres to diſcharge an old debt of his other brother; but it was becauſe he had guaranteed the payment of it: and it would indeed have been aſtoniſhing, if, he had violated this engagement. *

But the moſt praiſe worthy motives have been perverted, and the moſt innocent actions of LEWIS's life boldly brought againſt him as crimes. With this view the royal patronage, which he afforded to the aſſociated Bookſellers in the year 1789, an act of beneficence which had for its objects the promotion of trade, and the encouragement of ſcience, forms an article againſt him in the preſent impeachment!—But, like the other inſtances of liberality with which he is reproached, inſtead of fix-

* EXPLANATORY NOTE, *ſubſequent to the compilation of the defence*—The public treaſury was burthened with the payment of ſeveral debts contracted by *Philip d'Artois*.—*Savalete Delaage* had advanced to one of the creditors the ſum of 400, 000 livres; and LEWIS became ſecurity for the payment of it—This is the circumſtance I here advert to.—The ſum therefore was paid to a creditor in *France*, and conſequently had not the moſt remote relation to any act of emigration.

ing him with guilt, it exhibits the honourable feelings of his heart, and removes every ſuſpicion of the integrity of principles.

To prove the influence which LEWIS is ſaid to have poſſeſſed at the court of *Vienna*, a letter is produced written from *Dumourier* to *Monſieur*, which ſeems to introduce *Breteuil* to him as a perſon poſſeſſed of conſiderable power at *Vienna*, and who is ſuppoſed to have been made acquainted with the inclinations of THE KING. *Dumourier*, the writer of this letter, was an agent employed by THE PRINCES to negociate with foreign powers; but it does not follow from this, that he was the agent of THE KING.

His opinion, therefore, upon this ſubject can have no weight; but if it could, it cannot be taken as proving of *fact* he ſpeaks of, that *Breteuil* was acquainted with the real ſentiments of THE KING. And even ſuppoſing that *Dumourier*'s ſentiments were proof of this extraordinary and incredible fact, where is there the leaſt evidence of the more material part of this charge, that theſe ſentiments and inclinations of the THE KING, which are unexplained, were ſentiments and inclinations of a criminal kind. Another letter has alſo been mentioned, purporting to have been written by *Toulongeon*, on the eve of his departure for *Vienna*, in which he is made to ſay, that THE KING had "*condeſcended to inform him that he approved of his conduct.*" I might avail myſelf of the very *ſuſpicious* circumſtances which accompany this letter; for he ſpeaks in it of his nephew, one *Valery*, a Lieutenant Colonel; and the fact is, that *Valery* is neither a Lieutenant Colonel, nor the nephew of *Toulongeon*: He is only a diſtant relation: and is it poſſible to ſuppoſe that *Toulongeon* could be ignorant of theſe circumſtances reſpecting his family. But admitting this letter to be genuine; what do the allegations it contains amount to? It is merely the aſſer-

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tion of a ſtranger, on which no accuſation can be founded, nor any proof raiſed that LEWIS did in fact approve of the conduct of *Toulongeon*. But the falſity of the aſſertion is evident from the circumſtance. *Toulongeon* is ſuppoſed to write to THE PRINCES, the brothers of LEWIS, aſſuring them THE KING had "*condeſcended to approve of his conduct*;" and yet although the moſt important object with him muſt have been to inform THE PRINCES what were the inclinations and intentions of the King, he gives them no proof, he affords them no intimation of the one or of the other.

But judge of the dangerous and unlimited extent of an accuſation formed on the unſubſtantial baſis of epiſtolary correſpondence from a particular example.

A LETTER is produced againſt LEWIS, written by *Choiſeul Gouffier*, by which it appears that *Choiſeul* was endeavouring to form a cloſe alliance between the Courts of CONSTANTINOPLE and VIENNA; and becauſe *Choiſeul* had once been the Ambaſſador of LEWIS, it is thought right to impute to THE KING every extravagant project which this man may at any time afterwards chuſe to adopt.

In anſwer to this charge, however, I need only appeal to the letter itſelf. It proves in effect, two things, FIRST, that *Choiſeul*, two months previous to his being recalled, had offered his ſervices to THE PRINCES, but received no anſwer from them. The firſt ſentence is in theſe words: "Although I "have not received the order from your royal "highneſſes *which I preſumed to ſolicit two months* "*ago*, I ſtill truſt you will condeſcend favourably to "receive the homage of my devotion and unalter-"able fidelity."—SECONDLY, that *Choiſeul*, three days after his recall, and for that very reaſon, determined to repeat again the offers of his ſervices to THE PRINCES, and to form projects againſt the am-

baſſador which THE NATION had ſent to ſucceed him. This is clearly proved from the following words of his letter: "Three days ago I received a "letter of recall, which informs me that *M. de Se-* "*monville* is appointed my ſucceſſor. The ſchemes "therefore of this *national ambaſſador* cannot now "be doubted, and your royal highneſſes are too "enlightened not to perceive the fatal conſequences "of the negociation with which he is charged "———." It was *Choiſeul* alone who thus wrote and acted. It was *Choiſeul*, who, on being diſmiſſed by LEWIS, offered his ſervices to THE PRINCES. It was *Choiſeul* who attempted to keep his place notwithſtanding his recall. But it is LEWIS alone who is accuſed!

A mere note, without date, without ſubſcription, ſaid only to be written by *Monſieur*, in the name of the royal brothers, and pretended to have been found among the refuſe of his papers, is alſo produced as evidence of LEWIS's guilt. LEWIS openly declares that his memory does not enable him to acknowledge or to deny the authenticity of this ſcroll But even admitting its authenticity, it is only the act of one of his brothers, and not his own. It proves however moſt clearly, that LEWIS held no correſpondence with his brothers; for it does not allude to any intelligence previouſly received, nor to any anſwer expected in return to it; and from the laſt ſentence it appears to have been written at that period in the year 1791, when the King was ſuſpended from the exerciſe of all his functions: and this circumſtance alone is ſufficient to prevent any inference injurious to LEWIS being drawn from it.

I ſhall not pauſe upon the extraordinary imputation ſo boldly denounced againſt LEWIS as a mercantile *monopoliſer*,* and of which it is pretend-

* The accuſation upon this ſubject, was, that LEWIS had encouraged a ſcheme which had for its object a monopoly of corn, ſugar, and coffee. TRANSLATOR.

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ed that the papers of *Septeuil* furniſh the proof, becauſe you have yourſelves, in this inſtance done him juſtice. You have not inſerted it as a poſitive charge in the preſent articles of impeachment, but have introduced it only as a queſtion; and you could not fail to obſerve, when it was put to LEWIS, how much it excited his aſtoniſhment and concern. The circumſtances which gave birth to this cruel imputation, are clear and ſimple. LEWIS, according to the cuſtom of his royal predeceſſors, dedicated a portion of his perſonal revenues, to the purpoſes of charity. In the year 1790, the monies thus appropriated were placed in the hands of *Septeuil*, previous to his being appointed Treaſurer of the Civil Liſt. The treaſurer, anxious to avoid the ſuſpicion of having converted this fund to his own uſes, inveſted it for ſome time in drafts upon *Paris*, and afterwards in bills of exchange upon *Paris* and other places. In the intermediate time, he gave an account to LEWIS, of the monies in his hands, and paid the drafts which LEWIS drew on him in favour of the objects of the fund. Theſe are the facts of this tranſaction. LEWIS affirms them to be true; and denies that there is one proof among the papers of *Septeuil* to the contrary; and certainly the papers merely ſhow that *Septeuil*, having a large command of money, had entered into an extenſive mercantile ſpeculation in the month of March laſt, on his own account. But *Septeuil* himſelf, who has explained the circumſtances of this ſpeculation, in the declaration which he made to the public, poſitively aſſerts, that the whole of it was not only his own excluſive concern, and that no other perſon whatſoever had any ſhare in it, but that there exiſted a particular account of the expenditure of the King's money, which ought to have been found among his papers; but which has not been communicated to us.

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The next charge, which imputes to LEWIS the maintenance of pretended *hordes* of counter revolutioniſts, in *Paris*, who were deſtined, it is ſaid, to ſeize every opportunity that might appear favourable to his views, will engage as little of my attention as that which has preceded it. The mind of LEWIS is ſuperior to ſuch conduct. LEWIS, as he has himſelf declared to you, never entertained the idea of a counter-revolution. Miniſters, anxious to learn the real ſtate of the metropolis, may have employed perſons to make obſervations, and to report the prevailing ſentiments and inclinations of the people. Miniſters may have employed, to the ſame uſeful purpoſe, the conductors of PAPERS. But theſe were the acts of miniſters, and not of LEWIS, and even the miniſters themſelves, in thus adopting meaſures, which a ſenſe of duty inſpired, could not be actuated by any other motive than to preſerve the Conſtitution.

I proceed next to the charge which reproaches LEWIS with having *ſuborned* ſeveral of the members of the Legiſlative Aſſembly.—He is accuſed of having, by corrupt means, procured ſeveral decrees reſpecting the eſtabliſhment of the Royal Houſhold, and the penſions granted on the Civil Liſt. Upon this ſubject, LEGISLATORS, I will be bold to ſay, that you do not believe the charge. You do not believe that there was one member of the Legiſlative Aſſembly capable of being corrupted, or that LEWIS was capable of attempting ſo foul a practice. In what manner was LEWIS intereſted upon this occaſion? The expences of the Royal Houſhold had been eſtimated in the CONSTITUENT ASSEMBLY, by *Monteſquiou*, at thirty millions; they had been eſtimated by *Cambon*, in the LEGISLATIVE ASSEMBLY, at the ſame ſum; the director of the Civil Liſt, calculated

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the expences to the ſame amount. The plan produced by the director differed, indeed, in other reſpects. He propoſed that thoſe officers who ſhould be retained in the King's Houſhold, ſhould pay ten millions into the public Treaſury, by way of pledge, the intereſt of which ſhould be paid out of the Civil Liſt, and by this means the expences be reduced to twenty millions. This plan was alſo adopted by the Commiſſary Paymaſter, and it was propoſed to ſubmit it to the NATIONAL ASSEMBLY. But where was the neceſſity of producing ſo uſeful a plan, if the end to be obtained might have been purchaſed by corruption? The expences of the houſhold were by this means reduced ten millions; the public was of courſe relieved from a part of its burthen to the amount of that ſum; and the intereſt of it charged upon the Civil Liſt. Where then are the advantages derived to the finances of LEWIS from the paſſing of this decree.

The ſum of fifty thouſand livers, which, it is ſaid, were demanded by the Commiſſary Paymaſter, has alſo been ſpoken of; but it was to defray the expences of the office, and not for himſelf, that ſo conſiderable a ſum was required.

As to the liquidation of *penſions*, it appears, that the object of THE DECREE was to divide thoſe penſions into three claſſes. The penſions granted for *military ſervices*, as well as thoſe granted by the predeceſſors of LEWIS for *domeſtic ſervices*, were alike to become the ſubjects of liquidation; and thoſe granted by LEWIS himſelf, to reward the fidelity of his ſervants, as well as thoſe granted by the late queen, were rendered dependant on the Civil Liſt. It was on account of this decree having diſburthened the Civil Liſt from a great number of thoſe penſions, with which it was charged, that corruption is ſuppoſed to have been employed in obtaining it; and,

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in order to give ſome colour to the ſuſpicion, a letter, ſaid to be written from *the director* of the Civil Liſt to *Septeuil*, is mentioned, in which he ſurmizes that THE DECREE will coſt fifteen hundred thouſand livres, and deſires to be furniſhed with this ſum for the next day. I might immediately aſk, upon this ſubject, whether the letter alluded to, be genuine; whether ſuch a letter was, in fact, ever written by *the Director*, to *Septeuil*; whether, after the death of the ſuppoſed writer, a letter, the authenticity of which he never acknowledged, can become the ſubject of evidence or argument; whether it be fair to brand the memory of a man by a forced comment on the form of an expreſſion, which, if he had been alive, he would, without doubt, have ſatisfactorily explained; whether, even taking it as it ſtands, it affords the ſlighteſt proof that corruption was practiſed; whether——but why ſhould I waſte time by conſiderations of this nature, when I can effectually reply in one word. The fact is, as the papers tranſmitted to LEWIS demonſtrate, that he alone prevented the plan of this decree from being ſubmitted to the conſideration of the National Aſſembly; and, will it now be conceived, that if he had meditated corrupt practices to procure its being paſſed, he would have prevented it from being preſented? But what poſſible motive could LEWIS have to procure, by intrigue, the paſſing of ſuch a decree. I will not reaſon from the *character* of LEWIS, which revolts at the idea of every baſe proceeding; nor will I ſpeak of the members of the aſſembly, who are equally incapable of lending themſelves to ſuch a meaſure; but I ſpeak merely of *the intereſt* of LEWIS; and where, upon this point, is any intereſt to be found? If he had felt the leaſt inclination to relieve himſelf from thoſe penſions which were thrown upon the Civil Liſt,

liſt, what was then to prevent him from refuſing to pay them? and would not this meaſure have been preferable to LEWIS to the other? Would not a meaſure which left him to act according to his own will, have been more agreeable than a meaſure which muſt have appeared like a compromiſe? The man who is capable of attempting corrupt practices, by which his intereſts may be injured, is ſurely equally capable of an unjuſt refuſal from which no danger could enſue. The exiſtence of a corruption from which an individual may derive advantage, is eaſy to be conceived. The depravity of the human heart, unhappily furniſhes many proofs of the truth of this obſervation. But of the exiſtence of a corruption, which only conſigns the actor to infamy, and gives all the advantages of it to others, it is impoſſible to form any idea.

LEWIS is alſo made the ſubject of another imputation, which, as the promulgation of it was calculated to excite an extraordinary ferment in the minds of the people, appeared to him of a very ſerious nature. The accuſation is, that he continued all the *body guards* that were ſtationed at *Coblentz* in his pay. In proceeding to examine this charge, LEGISLATORS, I do not heſitate to declare, that it once made a deep and ſorrowful impreſſion on my mind. I candidly acknowledge to you, that, previous to my undertaking the defence of LEWIS, I ventured to entertain doubts of the purity of his intentions. The proofs appeared to be ſo ſtrong; the documents ſo clear; the conſequences reſulting ſo apparent, that I apprehended it would be impoſſible for me to reconcile the opinions I was inclined to entertain with thoſe I ſhould be obliged to adopt. But I now acknowledge my error. The defence of LEWIS has removed every doubt from my mind, and I appear at your bar, in the eyes of the whole nation, to make that ſolemn reparation

which he has a right to demand. A ſingle, but deciſive obſervation will acquit LEWIS of this charge. It is ſurely impoſſible that any member of this Aſſembly can have forgot the letter that was written from *Poix* to LEWIS; the memorial that was addreſſed to him; the letters from *Coblentz*; the ſituation of the body guards, and the various printed papers that have appeared on this ſubject. The letters from *Coblentz* bear date in the month of October, 1791, and all the other documents clearly refer to the ſame period. On the 24th day of November, only the month following, *the director* wrote to *the treaſurer* of the civil liſt, in the following terms,

" SIR.

" The intention of the King is to continue pre-
" ſent pay to the officers and ſoldiers of the four
" companies of his body guards, until his Majeſty
" ſhall decide upon their deſtination; but his Ma-
" jeſty commands that the amount of their pay
" ſhall not, as formerly, be delivered in groſs to
" the MAJOR, *but that in future, each individual*
" *officer or ſoldier ſhall be paid at the Civil Liſt Office*
" *upon an acquittance, or procuration, accompanied by a*
" *certificate of his being reſident in the Kingdom.* His
" Majeſty has alſo ordered me to inform you,
" that the ſame rules are to be obſerved reſpecting
" the officers and others belonging to the *ci-devant*
" regiment of French guards, whoſe pay is to be
" continued. I alſo give you further notice, that
" his Majeſty has ordered all expenditures whatſo-
" ever of the body guards to be diſcontinued from
" the firſt day of July laſt, except their own
" pay and the uſual ſubſiſtance for their horſes."

On a text ſo clear, LEGISLATORS, it is unneceſſary for me to comment; for you muſt perceive that it immediately blows away every trace of the accuſation to which LEWIS has been made the unhappy

happy victim. But alas! to what cruel animadverſions has not this unfounded imputation given birth? The ſlanderous papers, as numerous as they were malignant, which formed the baſis of this charge, have been induſtriouſly circulated into every corner of the realm; the character of LEWIS has in conſequence been reprobated, not only in *France*, but throughout *Europe*; while the ſingle document, which is alone ſufficient to juſtify his conduct, and refute the calumny has been kept concealed and not ſuffered to be known! But this is not all. The papers of *the director* of the Civil Liſt have been ranſacked and ſeized. The original order which LEWIS gave him with his own hands, a copy of which he tranſmitted to *Septeuil*, was once among them. It cannot be conceived that *the director* would deſtroy ſo important a paper; for it was the authority and warrant under which he acted. And yet, by the ſtrangeſt fatality imaginable, this paper is not now to be found. How happy would it have been for LEWIS to have produced to the eyes of all the world, an authentic copy of the letter which he ordered *the director* of the Civil Liſt to write to *Septeuil*, but he can neither recollect its date, recall its contents, or hope to find it among his papers. Judge, however, CITIZENS, from the nature of this charge, of the character of all the reſt. Reflect on all the advantages of which LEWIS has been deprived by the invaſion of his houſe, and by the ſeizure and conveying away of his papers. Think of the advantages which might have reſulted to him, if he had been preſent when his drawers were ranſacked, if he could reclaim the papers that have *not* been produced againſt him? if he could even ſee a liſt of thoſe with which his memory cannot furniſh the recollection. Oh, reflect for one moment, CITIZENS, from the manner in which, even without

theſe aſſiſtances, he has made reply, with what ſuperior effect he would have anſwered all the charges brought againſt him; with what clear and ſatisfactory proofs every explanation would have been accompanied; with what a glorious flood of light he might have diſpelled all theſe obſcure and horrid accuſations, which, inconſiſtent in themſelves, are only ſupported by the artful darkneſs in which they are involved.

Think of the deep regret which, we, his advocates, muſt feel in being deprived of reſources from whence ſuch copious and powerful ſtreams of truth muſt unavoidably have flowed. Judge of the expectations we had a right to entertain, by the uſe we have made even of the means within our power. And think, O LEGISLATORS, with what painful emotion, the preſſure of time, the want of communication, the neceſſity of reſearch, the weakneſs of our powers, and even the warmth of our zeal, muſt, in a cauſe of ſuch ſingular importance, have diſturbed our hearts. Think of the agonizing throes that muſt have tortured our breaſts, in being forced, under theſe accuſations, to reply, as it were, to all Europe concerning the fate of LEWIS, and at the ſame time to feel that the very importance of our function operates ſtrongly to impede the happy exerciſe of thoſe faculties by which alone it can be properly diſcharged.

Pardon me, CITIZENS, for thus diſcloſing to you the ſources of our grief; for in expreſſing the deep ſenſe I now experience of this profound TRUTH, I come at laſt to conſider that diſaſtrous day the *tenth of Auguſt*, the events which would indeed form the greateſt crime that LEWIS is accuſed of, if it were true that he poſſeſſed, at that dreadful period, the atrocious diſpoſitions that are imputed to him.

I implore

I implore ye, oh! repreſentatives of the people, not to conſider the defenders of LEWIS in the character of advocates upon this occaſion. We have our conſciences as men to ſatisfy; we conſtitute individual parts of the ſame people; we have the ſame feelings, the ſame deſires, the ſame paſſions, the ſame affections; we are CITIZENS, we are FRENCHmen. Our tears have mixed themſelves with thoſe of every ſympathiſing eye. We ſtill deplore, with every feeling heart, the blood that flowed on that direful day; and if we thought that LEWIS had been inſtrumental to thoſe tranſactions which cauſed it to be ſpilt, you would not now have ſeen us at your BAR, affording him—if I may be permitted the expreſſion—affording him the determined ſupport which our confidence of his innocence inſpires. An innocence which has afforded him no ſhelter againſt the malice of his enemies, who have thus daringly accuſed him of the worſt of crimes. To the feelings of LEWIS, whatever may be his fate, it is ſeriouſly important, that he ſhould exculpate himſelf, not only in the judgment of this Aſſembly, but to the eyes of France, of Europe, of the world. LEWIS therefore muſt be heard. Baniſh, CITIZENS, as you ought, every opinion you have preconceived; forget every rumour you have heard; eradicate every antipathy you have felt; and free both your minds and your hearts from every prejudice and prepoſſeſſion. Blot out the bloody picture from your memories, for LEWIS muſt be heard, as if you were entire ſtrangers to the ſcene of deſolation he is accuſed of having cauſed. LEWIS is entitled to demand this conceſſion at your hands, and you eſpecially bound to grant it to him, becauſe you, his ACCUSORS, have conſtituted yourſelves his JUDGES. The uninterrupted ſucceſs you have met with, LEGISLATORS, ſince that day, which you have dignified with the title of *immortal*, has enabled you to be *generous*. I however

however only aſk you to be *juſt*. Recollect the *twentieth day of June*, when LEWIS not only refuſſed to comply with the wiſhes of an armed multitude that had invaded his palace, but perſevered in that refuſal. Unable to delude his hopes; animated in their cauſe; but mortified by his refuſal, they endeavoured to alarm his fears; to excite his feelings; to foſter his paſſions, by planting new jealouſies in his mind. For this purpoſe, rumours of plots were induſtriouſly circulated. It was ſaid, that a combination had been form for the purpoſe of ſeizing the perſon of LEWIS, and of forcing him from the capital; that this party were rich in reſources, and fertile in expedients; that they were already poſſeſſed of magazines of arms; and furniſhed with all the implements of war. Informations were given to the municipal power of the dangerous extent to which they had multiplied. The fermentation continued: and the month of July elapſed amidſt the increaſing ſtorms. The mind of LEWIS, however, was anxiouſly employed in endeavouring to calm the riſing tempeſt. The noiſe of preparation, and the cry of arms he rationally hoped would quickly die away; but the moment he was taught, by their continuing to prevail, that it was dangerous to diſregard them, he endeavoured to remove every alarm, however chimerical, from the minds of the people, and offered to take a perſonal part in every meaſure likely to produce that effect. On the 26th of July, he wrote to the *Mayor of Paris*, requeſting him to viſit the palace, and orders were given, that the doors of THE PALACE ſhould be thrown open to receive him. To this letter, *the Mayor* coldly replied, that orders had been iſſued to the *municipal officers* to viſit him. The municipal officers did not come. LEWIS communicated the uneaſineſs of his mind to the National Aſſembly, and informed them of the letter

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he had written to THE MAYOR, and of the anſwer he had received. THE NATIONAL ASSEMBLY made no reply. The public fermentation, during this interval, was increaſed by the cautious anxiety of LEWIS to ſuppreſs it. Noiſe and tumult were renewed; denunciations to the municipality were repeated; the heated and effervescent ſpirits of the people increaſed; and, being ſecretly urged by certain leaders, the cry for LEWIS's dethronement alone prevailed. The commiſſaries of the ſections aſſembled; and on the third of Auguſt, theſe commiſſaries, with the Mayor of Paris at their head, preſented an addreſs to the National Aſſembly, imploring its members to decree the dethronement of LEWIS, in conformity to the wiſhes of THE PEOPLE. Meaſures ſtill more violent were almoſt immediately adopted. A ſecond addreſs was preſented to the Aſſembly, in which it was openly declared, that the King ſhould be dethroned, either by a decree of the Aſſembly, or by the power of the people. The very day was fixed on which they inſiſted that this event ſhould take place; for it was publicly proclaimed, that unleſs his dethronement was pronounced at the ſitting of the Aſſembly on the ninth or tenth of Auguſt, the *alarm-bell* ſhould be rung, and *the General* be beat, on the tenth at midnight, for the purpoſe of exciting an inſurrection of the people.

The mind of LEWIS, from the commencement of the month of Auguſt, was deeply impreſſed with a ſenſe of his critical ſituation. He perceived the current of the public mind; and by the accounts which he daily received of the opinions of the capital, and the agitation of its inhabitants, he was enabled to judge of its progreſs and direction. Alarmed for his perſonal ſafety, and conſidering the inſecurity of his palace, he felt the neceſſity of adopting defenſive meaſures. He accordingly placed his perſon under the protection

of

of the *National Guard*; confided the ſafety of his palace to the *Swiſs regiment*; and opened an immediate correſpondence with the great leaders of the popular party. In ſhort, he adopted every precaution that prudence could dictate, or a deep ſenſe of his impending danger, inſpire. The 9th day of Auguſt at length arrived. New, and ſtill more terrible alarms were invented to appal the mind of LEWIS. Bodies of inſurgents, furious and inſatiable, were pictured to his imagination; the dreadful notes of preparation were ſounded in his ears; and the approaching night was predicted as a dark and dreadful ſcene of ſlaughter and diſmay. Additional precautions appeared to be the only means of ſafety that were now left. The number of ſentinels who had been ſelected from the National guard, and appointed to watch the night, were encreaſed. The Swiſs ſoldiers were placed at their reſpective poſts. The *civil power* of the metropolis was ſummoned to attend. He called around him the officers of the department; the municipal magiſtrates; and all thoſe who were known, or ſuppoſed to poſſeſs the leaſt power or influence over the minds of the people. Under the directions of theſe perſons the conduct of *the military* was placed. The civil magiſtrates exhorted the *National guard*, and the *Swiſs ſoldiers*, to protect the laws, and not to ſuffer the gates of the palace to be forced. The Mayor of Paris viſited the out ports in perſon, and gave ſuch orders as the circumſtances of the time appeared to require. But theſe precautions were ſcarcely taken, when the *alarm bell* rung; *the General* ſounded; and the people ruſhed to arms. The hours of night were paſſed in tumult and agitation; but when the morning dawned the march commenced; and the inſurgents, each compleatly armed, and followed by a train of artillery, directed their courſe towards the

Thuilleries.

Thuilleries. The palace was ſurrounded by the people, and the cannons were levelled againſt its gates. The Procureur General Syndic, of the department of *Paris*, accompanied by the municipal officers, advanced and addreſſed himſelf to the multitude. The Procureur repreſented the impoſſibility of preſenting a petition either to THE KING, or to the NATIONAL ASSEMBLY, from ſo numerous a body, and intreated them to appoint a deputation of twenty perſons, to ſignify their intentions to the King; but this propoſal was rejected. During this attempt to negotiate, the numbers of the inſurgents conſiderably augmented. An immenſe body of them took poſſeſſion of the *Place du Carouſel*. The ſtorm increaſed, and danger was threatened on every ſide. This increaſing turbulence being repreſented to the magiſtrates of the people, they again advanced to the head of *the troops*. The Procureur General read the fifth article of the decree of the 3d of October, and after exhorting them to defend the palace of their KING, whoſe authority was clearly eſtabliſhed by THE LAW, he commanded them, not perhaps without regret, to repel force by force. But whatever were his feelings, the orders were given by *him*; and an immediate diſcharge of the artillery by the *Cannoniers* was the only anſwer he received. The Procureur returned immediately to the palace, repreſented to LEWIS the imminency of his danger, and the impoſſibility of his receiving any relief. LEWIS, who for ſeveral hours laſt paſt had been ſending his miniſters to THE NATIONAL ASSEMBLY, anxiouſly ſoliciting them to ſend a deputation to ſave his perſon, endeavoured once again to obtain his requeſt, by an embaſſy pointing out, in the ſtrongeſt colours, the increaſed danger of his ſituation; but the NATIONAL ASSEMBLY refuſed to interfere. The Procureur General, and two other members of

the department of *Paris*, adviſed LEWIS, in the preſent emergency, to ſeek an *aſylum* in the boſom of THE NATIONAL ASSEMBLY; and they engaged to conduct him and his family ſafely to THE HALL.—LEWIS felt the neceſſity of following this advice; and obeyed. It was not until an hour after this event took place, that the misfortunes, which we all deplore, commenced.

. Theſe, CITIZENS, are the *facts* of this tranſaction; they cannot be diſputed, for they are univerſally known; eſtabliſhed by the teſtimony of concurrent publications; recorded in the Journals of the National Aſſembly; and lodged in the memory of the world. I have not added even an obſervation to the narrative. In repeating the melancholy detail, I have confined myſelf to the ſtrict diſcharge of my duty; and you may judge, by the rapidity with which I related the events, how much the recollection of them has affected my mind. You have now, however, the facts before you. Oh! Guardians of the public Juſtice! forget, if it be poſſible, the dreadful conſequences of this bloody day. Let my example lead you. Advert only to the cauſes by which they were produced, and then tell, if you can, upon what pretence it is that you have imputed criminality to LEWIS. The pretence, if any can exiſt, muſt be founded on thoſe circumſtances which preceded, or on thoſe which *followed* his refuge to the National Aſſembly. It cannot ariſe from any circumſtances that followed; for, ſince that event, LEWIS has neither ſeen, or ſaid, or done any thing. He was taken from that *aſylum* to which he had voluntarily flown in the fond hopes of protection, and conducted to *the priſon*, where he has been cloſely detained until its doors were opened to enable him to appear now before you. Of the commencement of the fatal conflict,

I am

I am certainly ignorant, and, perhaps, it will never be diſcovered even by the probe of time; under the circumſtances therefore which I have deſcribed LEWIS, it cannot be expected that LEWIS can afford any explanation. It may, however, be ſaid, that *the crime* aroſe from circumſtances which *preceded* the retreat of LEWIS to the ſaloon of the aſſembly. Recollect, CITIZENS, the nature of the *facts* with which you accuſe him. You have aſſerted that LEWIS had hoſtile intentions; but where is there even a ſhadow of evidence to prove it; where are the *overt acts*, by which, alone, hoſtile intentions can be proved. A vague report was circulated of a conſpiracy to ſeize the perſon of the king, and remove him in ſafety from the capital; but where is there the leaſt trace of this pretended conſpiracy to be found? where are even the circumſtances to give colour to theſe conjectures? He is accuſed of having made *preparations*; and I have already deſcribed the neceſſity he was under of taking defenſive meaſures for his perſonal ſafety; but, can any inſtance be produced, in which he has even ſeemed to prepare for the purpoſes of attack? Produce, if it be poſſible, a ſingle inſtance in which LEWIS has been the aggreſſor. Shew any movement he has made. Shew any caſe in which he has done the firſt act. You accuſe him of having in his ſervice, at this period, the *Swiſs guards*; but it appears, CITIZENS, by the *proceſs verbal* of the NATIONAL ASSEMBLY, that, on the 4th of Auguſt, a motion was made in the aſſembly, that in affording to the *Swiſs guards* every teſtimony of ſatisfaction and acknowledgment, THE KING ſhould be requeſted to declare, that he ſhould have no further occaſion for that regiment. It was alſo moved by ſeveral members, in determining what rewards ſhould be beſtowed on this regiment, that the aſſembly ſhould decree,

they had deſerved the thanks of the country, and that thoſe who choſe to remain in *Paris*, ſhould not form any part of the *body guards*, except by permiſſion of the conſtituted powers. Theſe motions were unanimouſly rejected. The decree, therefore, which was paſſed by the CONSTITUENT ASSEMBLY, on the 15th of September, was the only rule for LEWIS's conduct upon this occaſion; and this decree, in expreſs terms, ordered that the *Swiſs regiment* ſhould continue in their ſtation and mode of ſervice until the ſtipulations were renewed. LEWIS therefore had a legal right to retain the *Swiſs guards* in his ſervice.

LEWIS is accuſed of having paſſed the morning in reviewing his troops; but the ſame accuſation might as well be made againſt THE MAYOR of Paris for viſiting the outpoſts. LEWIS was inveſted with legal authorities, and had a right to defend his palace. To the laws he ſubmitted, and on them he relied for protection. And upon what pretence is he now accuſed, of having taken ſuch precaution as the laws allowed?

But LEWIS, alas! is even accuſed as a criminal for ſuffering troops to be ſtationed for the protection of his palace. Was he then quietly to permit the rude hands of factious violence to deſpoil his property, and attack his perſon? Was he bound to ſuffer that authority, which the conſtitution had placed in his hands as a ſacred depoſit, to be torn from him without endeavouring to preſerve it? Permit me to ſuppoſe, CITIZENS, that an armed, lawleſs, and deluded multitude were, at this moment, at your gates, and, in contempt of your ſacred characters as legiſlators, were daringly to attempt to tear you from your ſanctuary, what courſe would you take?——

But the unhappy LEWIS is accuſed of a premeditated deſign to produce the fatal conſequences

which

which enſued. From the guilt of ſuch a charge, CITIZENS, a ſingle obſervation will be ſufficient to juſtify him. Can *he* be imagined to premeditate conſequences, who, ſuddenly attacked by an inflamed multitude, immediately calls the leading powers around him, ſummons the aid of the department, ſeeks the aſſiſtance of the civil magiſtrates, and implores the protection of the Aſſembly itſelf; an Aſſembly whoſe timely interpoſition would perhaps have prevented the terrible events which followed. Can *he* be thought to have entertained deſigns againſt the people, who calls upon their own leaders to repreſs their fury? But why ſhould I continue to reaſon on ſuch a ſubject. Why do I ſuffer the character of LEWIS to be for a moment ſtigmatized by ſuch a horrid imputation? It is inſinuated that he excited the inſurrection, for the purpoſe of taking an advantage of it to accompliſh his deſigns. But where is the man who is not conſcious that this inſurrection was ſilently continued and cheriſhed; that the neceſſity of it was ſecretly propagated; that a dark conſpiracy was formed by its projectors; that private conſultations were held for the purpoſe; and that agents and incendiaries were employed to promote it, long, long before the 10th of Auguſt. Who is there that does not now know it was the effect of clandeſtine combinations, artful leagues, and written treaties? Who is not ſatisfied that this inſurrection was conceived, planned, conducted, and executed, for the purpoſe of accompliſhing *the great ſcheme* to which FRANCE attributes the proſperities ſhe now enjoys? Theſe are *facts*, LEGISLATORS, too notorious to be denied; the public voice reſounds them throughout the nation; they were tranſactions in which you bore a part; and, even within theſe walls, the glory of the *10th of Auguſt* has been a ſubject of general applauſe. I do not mean to conteſt this glory with

thoſe to whom it was decreed; nor will I attack the motives which produced the inſurrection; or venture to appreciate its effects. All I mean to contend is, that as this inſurrection was avowedly planned, and certainly exiſted long anterior to the 10th of Auguſt, it is impoſſible to involve LEWIS in the aggreſſions that it produced.—Yet, nevertheleſs, you accuſe him. You impute to him the guilt of having ſhed the torrents of blood that flowed upon that fatal day. You invoke the MANES of the murdered multitude to cry aloud for vengeance againſt him.—Againſt THE MAN who at the moment flew with confidence to the NATIONAL ASSEMBLY for the purpoſe of preventing its effuſion!—Againſt THE MAN who during his whole life never ſigned a ſanguinary order!—Againſt THE MAN who on the 6th of October forbid his guards to fire, though in his own defence!—Againſt THE MAN who at *Varrennes* choſe rather to ſubmit to an ignominious captivity, than expoſe a ſingle life to the hazard of bloodſhed or death!—Againſt THE MAN who on the 20th of June refuſed the promiſed protection of his friends, and remained alone amidſt his people!

And is it to ſuch A MAN that you impute the guilt of bloodſhed?—Alas! he groans with ſorrows, deeper than your own, over the fatal cataſtrophe which cauſed that blood to flow. The ſad remembrance of it forms the deepeſt wound his heart has yet received; the greateſt torture that his mind has felt; and all the gloom by which his ſoul is depreſſed. He derives conſolation from a conſciouſneſs that he was not in any way the author of this calamity; but the reflection that he may perhaps have been the innocent and remote occaſion of it, rives his heart; yet it is to ſuch A MAN, that you impute the guilt of bloodſhed.

Oh! my countryman, where is the character by which

which the nation was diſtinguiſhed? a character which beamed ſo bright in former times; a character, generous, juſt, and loyal! Will you exert your power to heap misfortunes on the humbled head of an unhappy ſovereign, who had the courage to confide in THE REPRESENTATIVES OF THE PEOPLE for the ſafety of his perſon, which THE LAWS declared inviolable? Are all the ſacred rights of *the aſylum* which he fondly hoped to find baniſhed from your minds? Will not his exceſs of miſery touch your hearts? Is not A KING dethroned and proſtrate, *a victim* ſufficiently ſplendid to gratify the malignity of FATE, and inſpire you with the generous and juſt ſentence that his miſeries ought not to be increaſed. Oh! my countrymen! be cautious leſt the REVOLUTION, which has regenerated your ſouls, and developed all the greater virtues of your minds, ſhould weaken the feelings of *humanity* in your hearts, without which, the fineſt virtues loſe their luſtre. Hear, by anticipation, how the voice of hiſtory will record his fame.—"LEWIS aſcended the throne of FRANCE when he was only twenty years of age. The purity of his manners, even at that early period of life, was exemplary. The integrity of his mind derived extraordinary luſtre from the innocent and uncorrupted paſſions of his heart. He was œconomical in his expences, upright in his intentions, open in his conduct; and the happineſs of his people was the conſtant object of his care. They requeſted the abolition of a burthenſome tax; and he aboliſhed it. They deſired to be exempted from the oppreſſions of the feudal ſyſtem; and he begun by reforming the tenures of the royal demeſnes. They ſolicited an alteration in the criminal law, to mitigate the rigours of puniſhment; and the alteration was inſtantly made. They wiſhed that thoſe who were deprived of the rights of citizens by the ancient cuſtoms of the realm, ſhould enjoy

equal

equal rights with the reſt of the people, and they immediately enjoyed *equal rights* by his laws. In ſhort, *the people aſked for* LIBERTY, *and he gave* it to them*, by voluntarily ſurrendering to them many of the prerogatives of the crown; and yet it is now demanded in the name of the people, that ———."

CITIZENS, I will forbear to finiſh the ſentence—— I pauſe.—I refer to the page of hiſtory.—And oh remember! that the impartial eye of hiſtory will cloſely ſcrutinize your conduct; and that her deciſion will eternally convey your glory or diſgrace through future ages.

Signed LEWIS,
DESEZE,
MALESHERBES,
TRONCHET.

LEWIS.—The ſubſtance of my defence has now been exhibited to you, and I ſhall not renew the ſubject. In addreſſing myſelf to you, perhaps for the laſt time, I ſolemnly declare that my conſcience does not reproach me in any thing, and that what my advocates have diſcloſed to you is THE TRUTH.

I have never dreaded a public examination of my conduct; but my heart is torn to pieces by the imputation of having been the cauſe of ſhed-

* This ſentence having been pronounced by the advocate of LEWIS, and afterwards eraſed from his manuſcript, THE NATIONAL CONVENTION ordered it to be reſtored.

NOTE *by the advocate of* LEWIS. One of LEWIS's advocates eraſed this ſentence from the manuſcript, merely out of reſpect to THE CONVENTION, and becauſe murmers had prevailed in *the tribunes* when it was pronounced. But this eraſement having been thought a ſubject of ſufficient importance for *a decree*, WE feel ourſelves called upon to declare, that we had no other meaning in uſing the word *gave*, than to recal to the minds of the audience, that LEWIS had prepared the way to the liberties of France, by convoking *the States General*; and the decree of the National Aſſembly on the fourth of Auguſt 1789, which proclaimed LEWIS "*The Reſtorer of the Liberties of France*," juſtifies the uſe of the expreſſion.

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ding the blood of the people, and eſpecially by the horrid accuſation of having been the author of the misfortunes which happened on the tenth of Auguſt.

The multiplied proofs I have given in every action of my life, of my affections for my people; and the manner in which I have always conducted myſelf where their intereſts were concerncd, afforded me, I confeſs, the ſtrongeſt hopes of being thought ever ready to expoſe myſelf to the greateſt perſonal danger, to ſpare the blood of my people; and of being exempted from ſuch an imputation.

Signed, LEWIS.

PROOFS

OF THE

AUTHENTICITY OF THE DEFENCE.

WE whoſe names are hereto ſubſcribed being Secretaries to the NATIONAL CONVENTION, and charged, by a decree, made on the 26th day of the preſent month of December, to make a correct copy of the oration pronounced the ſame day by the Citizen DESEZE, in defence of LEWIS; *certify* that we have read the copy from which the ſaid oration was printed, and have collated the ſame, word for word, in the preſence of Citizen DESEZE, with the original manuſcript, which was by him laid upon the table of the aſſembly, after being ſubſcribed by LEWIS, and the ſeveral advocates aſſigned to defend him.

We alſo certify, that except ſome trifling corrections in the ſtyle, which do not in any degree alter the ſenſe of the diſcourſe, the printed copy is perfectly correſpondant with the original manuſcript, and that the explanatory notes which the Citizen DESEZE has thought proper to add, are announced as making no part of the original.

LASTLY, we certify, that this ſentence, "*The "people aſked for* LIBERTY, *and he gave it to them*," which had been pronounced in the words in which it was written in the manuſcript, and afterwards expunged by one of the advocates of LEWIS, was reſtored by us into the original, in purſuance of the decree of the 26th of this month.

PARIS, the 28th of December, 1792; the firſt year of the French Republic.

ORSELIN,
CREUSE,
LATOUCHE,
} *Secretaries.*

THE CONVENTION, having adjudged LEWIS CAPET guilty, proceeded, on the 17th January, 1793, to the *appel nominal* on the queſtion, "What puniſhment ought to be inflicted on him;" and by a majority of only *five voices* out of ſeven hundred and twenty one members who voted, he received ſentence of—*Death!*

DESESE, and the other advocates of LEWIS being then admitted to the bar, addreſſed the Aſſembly in a ſhort, but pathetic ſpeech, and preſented to the Convention the following letter from LEWIS:—"I am bound by my own honour, and "a regard for my family, to proteſt againſt a ſentence imputing to me crimes of which I am not guilty. I appeal, there-"fore, from this ſentence, to the judgment of THE PEOPLE; "and I hereby authoriſe my advocates, to make this appeal "known to THE CONVENTION by every means in their power, "and to demand that an entry thereof may be made in the "Records of the proceedings." The loyal advocate then reſumed his ſpeech, by obſerving that *twenty-three* members of the Aſſembly had given no opinion; that ſentence had been pronounced by only a majority of *five voices*; and that of courſe the minority, conſiſting of three hundred and fifty-ſix members, were of opinion, that the ſafety of the country required another deciſion; and he warmly conjured them to examine anew the queſtion of *appeal*, and to grant to humanity, to the intereſt of the ſtate, all that juſtice might ſeem imperiouſly to claim. TRONCHET and MALESHERBES alſo preſſed this point with great argument and eloquence; but the requeſt was rejected, and the immediate *execution* of LEWIS decreed.

On the 21ſt of January, 1793, the royal victim, with the compoſure of innocence, the firmneſs of a man, the dignity of a king, ſuffered by the hands of a public executioner. The ſympathetic chords of every feeling heart in EUROPE ſtill vibrate to the fatal blow, that deprived him of his life;

"But he bore his *faculties* ſo meek, hath been
"So clear in his *great office*, that his virtues
"Will plead, like angels, trumpet-tongu'd, againſt
"The *deep damnation* of his taking off:
"And PITY, like a new-born-babe,
"Striding the blaſt, or heav'ns cherubim, hors'd
"Upon the ſightleſs couriers of the air,
"Shall blow the *horrid deed* in every eye."—

SHAKESPEARE.—*Macbeth, Scene IX.*

TESTAMENT DE LOUIS SEIZE.

AU nom de la Très-Sainte Trinité, du Pere, du Fils, et du Saint-Eſprit. Aujourd'hui, 25e. jour de Décembre 1792, moi, Louis XVI. du nom, roi de France, étant depuis plus de quatre mois, renfermé avec ma famille dans la tour du Temple à Paris, par ceux qui étoient mes ſujets, et privé de toutes communications quelconques, même depuis le onze du courant avec ma famille; de plus impliqué dans un procès, dont il eſt impoſſible de prévoir l'iſſue à cauſe des paſſions des hommes, et dont on ne trouve aucun prétexte ni moyens dans aucune loi exiſtante; n'ayant que Dieu pour témoin de mes penſées, et auquel je puiſſe m'adreſſer, je déclare ici en ſa préſence mes dernieres volontés et mes ſentimens. Je laiſſe mon ame à Dieu, mon createur, je le prie de la recevoir dans ſa miſéricorde, de ne pas la juger d'après ſes mérites, mais par ceux de notre Seigneur J. C. qui s'eſt offert en ſacrifice à Dieu ſon Pere, pour nous autres hommes, quelques indignes que nous en fûſſions, et moi le premier.

Je meurs dans l'union de notre Sainte Mere, l'Egliſe Catholique, apoſtolique et romaine, qui tient ſes pouvoirs par une ſucceſſion non interrompue, de St. Pierre, auquel J. C. les avoit confiés.

Je crois fermement, et je confeſſe tout ce qui eſt contenu dans le ſymbole de Dieu et de l'Egliſe, les ſacremens et les myſtéres, tels que l'Egliſe Catholique les enſeigne et les a toujours enſeignés. Je n'ai jamais prétendu me rendre juge dans les différentes manieres d'expliquer les dogmes qui déchirent l'Egliſe de J. C. mais je m'en ſuis rapporté, et rapporterai toujours, ſi Dieu m'accorde la vie, aux déciſions que les ſupérieurs Eccléſiaſtiques unis à la Sainte Egliſe Catholique donnent, et donneront, conformément à la diſcipline de l'Egliſe, ſuivie depuis J. C. Je plains de tout mon cœur nos freres, qui peuvent être dans l'erreur; mais je ne pretends pas les juger, et je ne les aime pas moins tous en J. C. ſuivant ce que la charité chrétienne nous l'enſeigne. Je prie Dieu de me pardonner tous mes péchés,

j'ai

TESTAMENT OF LEWIS XVI.

IN the name of the Moſt Holy Trinity, the Father, the Son, and the Holy Ghoſt, this day, the 21ſt of Dec. 1792, I, LEWIS, the XVI. of the name, King of France, having been for more than four months impriſoned with my family, in the Tower at the Temple at Paris, by thoſe who were my ſubjects, and deprived of all communication whatſoever, even ſince the 11th inſtant, with my own family; moreover, being implicated in a trial, of which it is impoſſible to foreſee the iſſue, on account of the paſſions of men, and for which no pretext or means can be found in any exiſting law; having only God for the witneſs of my thoughts, and to whom I can addreſs myſelf, I here declare, in his preſence, my laſt will and ſentiments.

I leave my ſoul to God, my creator, I pray him to receive in mercy, and not to judge it according to its deſerts, but according to thoſe of our Lord Jeſus Chriſt, who offered himſelf a ſacrifice to God his father, for us men, however unworthy, and for me the moſt unworthy. I die in the union of our mother, the Catholic, Apoſtolic, and Roman Church, who holds her powers by an uninterrupted ſucceſſion from St. Peter, to whom Jeſus Chriſt entruſted them. I firmly believe and acknowledge every thing contained in the commandments of God and the church, the ſacraments and myſteries, ſuch as the church teaches and hath always taught them. I have never pretended to make myſelf a judge of the different modes of explaining the dogmas which divide the church of Jeſus Chriſt, but I have conformed, and will always conform, if God grant me life, to the diciſions which the higher Eccleſiaſtics of the Holy Cotholic Church give, and ſhall give, conformable to the diſcipline of the church followed ſince Jeſus Chriſt. I lament, with all my heart, our brethren who may be in error, but I pretend not to judge them, and I love them no leſs in Jeſus Chriſt, according to what Chriſtian charity teaches us. I pray God to pardon me all my ſins; I have

endeavoured

j'ai cherché à les connoitre ſcrupuleuſement, à les déteſter, et à m'humilier en ſa préſence, ne pouvant me ſervir du miniſtère d'un prêtre Catholique. Je prie Dieu de recevoir la confeſſion que je lui en ai faite, et ſur tout le repentir profond d'avoir mis mon nom (quoique cela fut contre ma volonté) à des actes qui peuvent être contraires à la diſcipline et à la croyance de l'Egliſe Catholique, à laquelle je ſuis ſincérement uni de cœur. Je prie Dieu de recevoir la ferme réſolution où je ſuis, s'il m'accorde la vie, de me ſervir auſſitôt que je le pourrai, du miniſtère d'un prêtre Catholique, pour m'accorder le pardon de tous mes péchés, et recevoir le ſacrement de pénitence.

Je prie tous ceux que je pourrois avoir offenſé par inadvertence (car je ne me rappelle pas d'avoir fait ſérieuſement aucune offenſe à perſonne,) ou ceux à qui j'aurois pu avoir donné de mauvais exemples ou des ſcandales, de me pardonner le mal qu'ils croyent que je peux leur avoir fait.

Je prie tous ceux qui ont de la charité d'unir leurs prieres aux miennes, pour obtenir de Dieu le pardon de mes péchés.

Je pardonne, de tout mon cœur, à ceux qui ſe ſont faits mes ennemis, ſans que je leur en aye donné aucun ſujet, et je prie Dieu de leur pardonner, de même qu'à ceux qui, par un faux zele, ou par un zele mal-entendu, m'ont fait beaucoup de mal.

Je recommande à Dieu, ma femme, mes enfans, ma ſœur, mes tantes, mes freres, et tous ceux qui me ſont attachés par le lien du ſang, ou par quelqu'autre maniere que ce puiſſe être; je prie Dieu, particulierement, de jetter des yeux de miſéricorde, ſur ma femme, mes enfans et ma ſœur, qui ſouffrent depuis long-tems avec moi, de les ſoutenir par ſa grace, s'ils viennent à me perdre, et tant qu'ils reſteront dans ce monde périſſable.

Je recommande mes enfans à ma femme; je n'ai jamais douté de ſa tendreſſe maternelle pour eux, je lui recommande ſur-tout d'en faire de bons chrétiens et d'honnêtes hommes, de ne leur faire regarder les grandeurs de ce monde ci, (s'ils ſont condamnés à les éprouver,) que comme des biens dangereux et périſſables, et de tourner leurs regards vers la ſeule gloire ſolide et durable de l'éternité; je prie ma ſœur de vouloir continuer ſa tendreſſe à mes enfans, et de leur tenir lieu de mere, s'ils avoient le malheur de perdre la leur.

Je prie ma femme de me pardonner tous les maux qu'elle ſouffre pour moi, et les chagrins que je pourrois lui avoir

donnés

endeavoured to know them ſcrupulouſly, to deteſt them, and to humble myſelf in his preſence. Not being able to avail myſelf of the miniſtry of a Catholic Prieſt, I pray God to receive the confeſſion which I have made, and above all my profound repentance for having put my name (though it was againſt my will) to acts which may be contrary to the diſcipline and belief of the Catholic Church, to which I have always remained ſincerely united in heart; I pray God to accept of my firm reſolution, if he grant me life, to make uſe as ſoon as I can of the miniſtry of a Catholic Prieſt to confeſs myſelf of all my ſins, and to receive the ſacrament of repentance; I requeſt all thoſe whom I may have offended through inadvertence, for I do not recollect having knowingly offended any one, or thoſe to whom I may have given bad example or ſcandal, to forgive me the evil which they think I have done them.

I entreat all charitable perſons to join their prayers with mine to obtain of God the pardon of my ſins.

I forgive, with all my heart, thoſe who have made themſelves my enemies without my having given them any cauſe; and I pray God to forgive them, as well as thoſe, who, through a falſe or miſtaken zeal, have done me much evil.

I recommend to God, my wife, my children, my ſiſter, my aunts, my brothers, and all thoſe who are attached to me by the ties of blood, or in any other manner whatſoever. I pray God particularly to look with the eyes of mercy on my wife, my children, and my ſiſter, who have long been the partners of my ſufferings; to ſuſtain them by his grace, if they ſhould loſe me; and as long as they ſhall remain in this periſhable world. I recommend my children to my wife; I have never doubted her maternal tenderneſs for them. I recommend to her, above all, to make them good Chriſtians, and honeſt members of ſociety; to make them conſider the grandeurs of this world, if they are condemned to prove them, but as things dangerous and periſhable, and to turn their views towards the only and ſolid glory of eternity. I requeſt my ſiſter to continue her tenderneſs to my children, and to be a mother to them, if they ſhould have the misfortune to loſe their own.

I entreat my wife to forgive me all the evils which ſhe ſuffers on my account, and the uneaſineſs which I may have

cauſed

donnés dans le cours de notre union ; comme elle peut être sûre, que je ne garde rien contre elle, si elle croyoit avoir quelque chose à se reprocher.

Je recommande bien vivement à mes enfans, après ce qu'ils doivent à Dieu, qui doit marcher avant tout, de rester toujours unis entr'eux, soumis et obéissants à leur mere, et reconnoissants de tous les soins et les peines qu'elle se donne pour eux et en mémoire de moi.

Je les prie de regarder ma sœur comme une seconde mere.

Je recommande à mon fils, s'il avoit le malheur de devenir roi, de songer qu'il se doit tout entier au bonheur de ses concitoyens, qu'il doit oublier toute haine et tout ressentiment, et nommément tout ce qui a rapport aux malheurs et aux chagrins que j'éprouve, qu'il ne peut faire le bonheur des peuples, qu'en régnant suivant les loix ; mais en même tems, qu'un roi ne peut les faire respecter, et faire le bien qui est dans son cœur, qu'autant qu'il a l'autorité nécessaire, et qu'autrement, étant lié dans ses opérations et n'inspirant point de respect, il est plus nuisible qu'utile.

Je recommande à mon fils, d'avoir soin de toutes les personnes qui m'étoient attachées, autant que les circonstances où il se trouvera, lui en donneront les facultés ; de songer que c'est une dette sacrée, que j'ai contractée envers les enfans ou les parens de ceux qui ont péri pour moi, et ensuite de ceux qui sont malheureux pour moi.

Je sais qu'il y a plusieurs personnes de celles, qui m'etoient attachées, qui ne se sont pas conduites envers moi, comme elles le devoient, et qui ont même montré de l'ingratitude, mais je leur pardonne. (Souvent dans des momens de trouble et d'effervescence on n'est pas le maitre de soi) et je prie mon fils, s'il en trouve l'occasion, de ne songer qu'à leur malheur.

Je voudrois pouvoir témoigner ici ma reconnoissance à ceux qui m'ont montré un attachement véritable et désintéressé ; d'un côté, si j'étois sensiblement touché de l'ingratitude et de la délirante haine de gens à qui je n'avois jamais témoigné que des bontés, à eux, à leurs parens où amis ; de l'autre, j'ai eu de la consolation à voir l'attachement et l'intéret gratuit que beaucoup de personnes m'ont montré. Je les prie d'en recevoir mes remercimens ; dans la situation où sont encore les choses, je craindrois de les compromettre, si je parlois plus explicitement, mais je recommande spécialement à mon fils, de chercher les occasions de pouvoir les reconnoitre.

Je

cauſed her in the courſe of our union; as ſhe may be aſſured that I remember nothing againſt her, if ſhe thinks ſhe has any thing to reproach herſelf with.

I earneſtly recommend to my children, next to their duty to God, which they ought to perfer to every thing, to maintain mutual union, ſubmiſſion and obedience to their mother, and gratitude for all the cares which ſhe incurs for them, and in memory of me.

I entreat them to conſider my ſiſter as a ſecond mother. I recommend to my ſon, if he ſhould have the misfortune to become KING, to think that he owes himſelf entirely to the good of his fellow citizens; that he ought to forget all hatred and all reſentment, and eſpecially whatever relates to the misfortunes and uneaſineſs which I experience; that he cannot promote the good of the people but by reigning according to the laws; but, at the ſame time, that a King cannot make the laws reſpected, and do the good he wiſhes, but in proportion as he has the neceſſary authority; and that, without this, being fettered in his operations, and inſpiring no reſpect, he is more injurious than uſeful. I recommend to my ſon to take care of all the perſons who were attached to me, as far as his circumſtances ſhall give him the means; to think that this is a ſacred debt which I have contracted to the children or relations of thoſe who have died for me, and next, to thoſe who are unfortunate on my account. I know that there are many perſons of thoſe who were attached to me, who have not conducted themſelves towards me as they ought, and who have even ſhewn me ingratitude; but I forgive them (often, in the moments of trouble and effervescence, a man is not maſter of himſelf;) and I entreat my ſon, if he ſhould have the opportunity, to remember only their misfortunes. I could wiſh to be able to teſtify my gratitude to thoſe who have diſplayed a true and diſintereſted attachment to me. On the one hand, if I was ſenſibly affected by the ingratitude and diſloyalty of perſons to whom I had never ſhewn any thing but favours, to them, their relation, or friends; on the other, I have had the conſolation of ſeeing the gratuitous attachment and intereſt which many perſons have ſhewn to me. I entreat them to accept of my thanks; in the ſituation in which things ſtill are, I ſhould be afraid of bringing them into danger, if I were to ſpeak more explicitly; but I recommend particularly to my ſon to ſeek all occaſions of diſcovering them.

" I ſhould

Je croirois calomnier cependant les ſentimens de la nation, ſi je ne recommandois ouvertement à mon fils MM. Chamilly et Hue, que leur véritable attachement pour moi avoit portés à s'enfermer avec moi dans ce triſte ſéjour, et qui ont penſé en être les malheureuſes victimes ; je lui recommande auſſi Cléry, des ſoins duquel j'ai eu tout lieu de me louer depuis qu'il eſt avec moi : comme c'eſt lui qui eſt reſté avec moi juſqu'a la fin, je prie meſſieurs de la commune de lui remettre mes hardes, mes livres, ma montre, ma bourſe et les autres petits effets qui ont été dépoſés au conſeil de la commune.

Je pardonne encore très-volontiers à ceux qui regardoient comme louables les mauvais traitemens et les gênes dont ils ont uſé envers moi ; j'ai trouvé quelques ames ſenſibles et compatiſſantes ; que celles-là jouiſſent dans le cœur, de la tranquillité que doit donner leur façon de penſer.

Je prie MM. de Maleſherbes, Tronchet et Deſéze, de recevoir ici tous mes remercimens et l'expreſſion de ma ſenſibilité, pour tous les ſoins et les peines qu'ils ſe ſont donnés pour moi.

Je finis en déclarant devant Dieu, et prêt à paroitre devant lui, que je ne me reproche aucuns des crimes qui ſont avancés contre moi.

Fait double à la tour du Temple, le 25 Décembre, 1792.

(Signé)

LOUIS.

I ſhould nevertheleſs think, that I calumniated the ſentiments of the nation, did I not openly recommend to my ſon M. M. de Chamilly and Hu, whom their true attachment to me induced to ſhut themſelves up with me in this mournful reſidence, and who were near being the unhappy victims of what they did. I alſo recommend to him Cléry, with whoſe attention I have had every reaſon to be ſatisfied ſince he has been with me. As it is he who has remained with me to the laſt, I requeſt M. M. of the *Commune*, to deliver to him my clothes, my books, my watch, my purſe, and the other little effects which have been depoſited at the council of the Commons.

I alſo moſt willingly forgive thoſe who guarded me the ill-treatment and ſeverity which they thought it their duty to make me ſuffer. I have found ſome feeling and compaſſionate ſouls; may they enjoy the tranquillity of heart, which ought to ſpring from their manner of thinking.

I intreat M. M. de Maleſherbes, Tronchet, and Deseze, to receive here my thanks; and the expreſſion of my ſenſibility, for all the care and pains which they took for me.

I conclude by declaring before God, and ready to appear before him, that I reproach myſelf with none of the crimes which are alledged againſt me.

Done in Duplicate at the Tower of the Temple, the 25th December, 1792.

(Signed) LOUIS.

BRITISH MUSEUM

(Signed) LOUIS.